

Supreme Court of India

Subhash Chandra Choubey And Ors. vs State Of Bihar And Ors. on 22 November, 1996

Equivalent citations: (1998) 8 SCC 714

Bench: A Anand, S Sen

ORDER

1. Leave granted.

2. Against the termination of their services by an order of 22-1-1990, the appellants approached the High Court through CWJC No. 1184 of 1990. A Division Bench of that Court dismissed their writ petition in limine on 20-4-1992. That order has been put in issue in this appeal.

3. To the special leave petitions filed by the appellants, counter-affidavit was filed and certain documents were placed on record. The appellants also filed a rejoinder to the counter-affidavit.

4. After hearing learned counsel for the parties and examining the record we are of the opinion that the writ petition filed by the appellants did raise some arguable points and the High Court fell in error in dismissing the same in limine. No reasons have been advanced by the High Court in support of its conclusions while dismissing the writ petition. The absence of reasons has deprived this Court of knowing the circumstance which weighed with the High Court to dismiss the writ petition at the threshold. It was an unsatisfactory method of disposal of the writ petition. Necessity to give reasons which disclose proper appreciation of the problem posed before the court needs no emphasising. Apart from informing the aggrieved party to the proceedings of the reasons, which it may be able to demonstrate in the higher forum as erroneous or irrelevant, it also enables the higher forum to test the correctness of those reasons when the same are put in issue before the higher forum. Under these circumstances, the order of the High Court cannot be sustained. We, accordingly, allow this appeal and set aside the order of the High Court dated 20-4-1992 and remand the writ petition to the High Court for fresh disposal on merits.

5. It is clarified that we shall not be taken to have expressed any opinion on the merits of the controversy in the case. The High Court is requested to dispose of the writ petition expeditiously.

6. While issuing notice in the special leave petition on 20-8-1993, the order of termination of service of the appellants was stayed. That stay order continues to be in operation till date. It is, therefore, appropriate that the stay order should continue to remain in operation for a further period of three months from today during which period the High Court may be approached for disposal of the writ petition and/or continuation of the stay order, as the case may be.