

ITEM NO.17

Court 4 (Video Conferencing)

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.12529/2021

**(Arising out of impugned final judgment and order dated 03-02-2021
in LPA No.20/2019 passed by the High Court of Judicature at Patna)**

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

AZHAR ALI

Respondent(s)

**(With appln.(s) for I.R. and IA No.98851/2021-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)**

Date : 27-08-2021 This petition was called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH**

For Petitioner(s) **Ms. Aishwarya Bhati, ASG**
 Ms. Archana Pathak Dave, Adv.
 Ms. B. Sunita Rao, Adv.
 Ms. Ruchi Kohli, Adv.
 Mr. B. V. Balaram Das, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 Ms Aishwarya Bhati, Additional Solicitor General appearing on behalf of the petitioner with Ms B Sunita Rao, submits that despite the counter affidavit

which was filed on behalf of the petitioners before the High Court, both the Single Judge and the Division Bench have lost sight of the fact that the acquittal of the respondent in the criminal case cannot be termed as an “honorable acquittal” since the prosecution witnesses had not supported the case and PW5 had turned hostile. In the circumstances, it was submitted that having regard to the precedents of this Court, the petitioner was justified in coming to the conclusion that the respondent was not suitable for appointment to the CISF as a Constable (GD).

- 2 Issue notice, returnable in twelve weeks.
- 3 Counter affidavit be filed within a period of four weeks from the date of service of the notice.
- 4 Pending further orders, there shall be a stay of the operation of the impugned judgment and order of the High Court dated 3 February 2021 and, as a consequence, no coercive steps shall be taken against the petitioner for enforcement of the judgment of the Single Judge.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
COURT MASTER