

ITEM NO.22

COURT NO.4

SECTION IV-C

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 35068/2019

(Arising out of impugned final judgment and order dated 27-10-2018 in WPS No. 457/2013 passed by the High Court Of Chhattisgarh At Bilaspur)

HIGH COURT OF CHHATTISGARH

Petitioner(s)

VERSUS

SANJAY SHENDRE & ANR.

Respondent(s)

IA No. 156463/2019 - CONDONATION OF DELAY IN FILING
 IA No. 160778/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES

WITH

Diary No(s). 35050/2019 (IV-C)
 IA No. 156859/2019 - CONDONATION OF DELAY IN FILING
 IA No. 160790/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 35051/2019 (IV-C)
 IA No. 156643/2019 - CONDONATION OF DELAY IN FILING
 IA No. 160784/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 35054/2019 (IV-C)
 IA No. 157197/2019 - CONDONATION OF DELAY IN FILING
 IA No. 157198/2019 - EXEMPTION FROM FILING O.T.
 IA No. 160773/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 35059/2019 (IV-C)
 IA No. 159095/2019 - CONDONATION OF DELAY IN FILING
 IA No. 159097/2019 - EXEMPTION FROM FILING O.T.
 IA No. 160763/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 35060/2019 (IV-C)
 IA No. 157310/2019 - CONDONATION OF DELAY IN FILING
 IA No. 27186/2020 - CONDONATION OF DELAY IN FILING THE SPARE COPIES
 IA No. 160757/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 35063/2019 (IV-C)
 IA No. 32866/2020 - CLARIFICATION/DIRECTION
 IA No. 156755/2019 - CONDONATION OF DELAY IN FILING
 IA No. 156757/2019 - EXEMPTION FROM FILING O.T.
 IA No. 32871/2020 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 160791/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 35064/2019 (IV-C)

IA No. 156689/2019 - CONDONATION OF DELAY IN FILING

IA No. 156690/2019 - EXEMPTION FROM FILING O.T.

IA No. 160795/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 35066/2019 (IV-C)

IA No. 156553/2019 - CONDONATION OF DELAY IN FILING

IA No. 156556/2019 - EXEMPTION FROM FILING O.T.

IA No. 160776/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-03-2023 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR**

For Petitioner(s) Mr. Ravindra Shrivastava, Sr. Adv.
Mr. Apoorv Kurup, AOR
Ms. Nidhi Mittal, Adv.
Ms. Swati Bhardwaj, Adv.
Ms. Kirti Dhadeech, Adv.
Mr. Ojaswa Pathak, Adv.
Ms. Aparna Arun, Adv.
Mr. Aniket Das, Adv.
Mr. Leeshan Sharma, Adv.

For Respondent(s) Dr. K.S. Chauhan, Sr. Adv.
Mr. Ajit Kumar Ekka, AOR
Mr. R.S.M. Kalky, Adv.
Mr. S.p. Singh, Adv.
Mr. Ravi Prakash, Adv.
Mr. Abhishek Chauhan, Adv.

Ms. Sneha Ravi Iyer , AOR

Mr. Rahul Sharma, Adv.
Mrs. Aarthi Rajan, AOR
Mr. S. Santanam Swaminadhan, Adv.
Ms. Abhilasha Shrawat, Adv.
Mr. Kartik Malhotra, Adv.
Mr. Darsh Bansal, Adv.
Mr. Anindit Mandal, Adv.

Mr. Nishanth Patil, AOR
Mr. K. Parameshwar, Adv.
Mr. Nishanth Patil, Adv.
Mr. Ayush P Shah, Adv.

Mr. V. Sridhar Reddy, Adv.
Mr. Kumar Neeraj, Adv.
Mr. Manoj Rajpoot, Adv.
Mr. Navneet Singh, Adv.
Mr. Abhijit Sengupta, AOR

Mr. Ankit Kumar Lal, AOR

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

Delay condoned.

Having heard Shri Ravindra Shrivastava, learned Senior Advocate, appearing for the High Court of Chhattisgarh and Dr. K.S. Chauhan, learned Senior Advocate, appearing on behalf of one of the Judicial Officers, who is ordered to be compulsorily retired and the other learned counsel appearing for the respective Judicial Officers, who are compulsorily retired and having gone through the impugned judgment and orders passed by the High Court and the reasoning given, we are of the opinion that, as there is no independent application of mind and/or the reasoning given on the satisfaction of the Court to compulsorily retire the Judicial Officers and even the reasoning of the High Court do not disclose as to on what basis and for the reasons the Division Bench of the High Court was satisfied that the reasons which should have formed the basis for declaring a judicial officer to be undesirable or deadwood is not emerging, we deem it proper and appropriate to set aside the impugned judgment and orders passed by the High Court and to remand the matters to the High Court to decide the respective writ petitions afresh in accordance with law and on their own merits, after giving an opportunity to the original writ petitioners as well as the counsel on behalf of the High Court.

In view of the above and without further entering into the merits of the case and/or expressing anything on merits in favour of either parties, on the aforesaid ground alone, we set aside the impugned judgment and orders passed by the High Court. The matters are remitted back to the High Court for reconsideration of the writ petitions afresh in accordance with law and on its own merits. All the contentions/defences, which are available to the respective parties are kept open to be dealt with and considered by the High Court in accordance with law and on its own merits and thereafter the High Court to pass a speaking and reasoned order.

The aforesaid exercise shall be completed within a period of 9 months from the date of receipt of the present order.

With this, all these Special Leave Petitions stand disposed of.

Pending applications also stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR