

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4716 OF 2009

[Arising out of SLP(C) No. 15490/2004]

BIHAR SCHOOL EXAMINATION BOARD AND ANR. ... APPELLANT(S)

:VERSUS:

**BIHAR STATE PRIMARY TEACHERS ASSOCIATION ... RESPONDENT(S)
AND ORS.**

ORDER

Nobody appears on behalf of Respondent No.1 despite service of notice.

Leave granted.

We have heard the learned counsel for the appellants as also Mr. Gopal Singh, learned standing counsel for the State of Bihar.

Having gone through the records before us, we are of the opinion that reference to the copy of the press communique published in the newspaper dated 31.3.2004, in C.W.J.C. No.6661/2003, Annexure No.P-2, is an inadvertent mistake on the part of the authorities of the appellants wherefor they had sought for an apology in writing on or about 8.4.2004. The High Court, in our opinion, should have accepted the same.

It appears that the High Court while passing the impugned order failed

to notice that the apology tendered on behalf of the appellants was a written one.

We, therefore, are of the opinion that the impugned judgment need be set aside.

It is directed accordingly. The appeal is allowed.

.....J
(S.B. SINHA)

.....J
(DEEPAK VERMA)

NEW DELHI,
JULY 27, 2009.

