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C.A.No. 5352 OF 1999  
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp  
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.....  
ITEM NO. 114 COURT NO. 6 SECTION XI-A

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5352/1999

Prasanna K Patel .. Appellant (s)

Vs.

State of Orissa & Ors. .. Respondent(s)

( With appln. for permission to place annexure  
and office report )

DATE : 27.11.2001 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MRS. JUSTICE RUMA PAL

For Appellant (s) : Mr. Vinoo Bhagat, Adv.

For Respondent (s) : Mr. Radha Shyam Jena, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....  
.SP2

The appeal is disposed of in terms of the signed  
order. The appellant is entitled to Rs. 5,000/-as costs.

.SP1

Charanjit

[ Om Prakash ]  
Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5352/1999@@  
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Prasanna K Patel .. Appellant

Vs.

State of Orissa & Ors. .. Respondents

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Under the Board's regulations for getting permanent recognition, the concerned Management had to appoint 4 trained graduate teachers whereas the Management would get grant-in-aid for 3 trained graduate teachers for release of grant. In terms of this condition, the appellant before us was allowed to draw trained graduates scale of pay against the 4th trained graduates' post w.e.f. September 13, 1992. However, when this order was sought to be withdrawn by another order made on May 26, 1993 by the Inspector of Schools a representation was made by the appellant and in spite of intervention by the higher authorities to make payment as ordered earlier no fruitful result yielded, except to the extent of allowing him to draw the trained graduates scale of pay w.e.f. December 1, 1994. Therefore, the appellant approached the High Court by a writ petition for appropriate reliefs.

..2/-

: 2 :

The High Court proceeded to consider that there was no vacancy available in the institution as a 4th trained graduate assistant teacher and therefore he could not have been appointed and on that basis, dismissed the Writ Petition. Hence this appeal.

In very terms of the recognition and grant that is given to the institution, necessarily, 4th post became available to which the appellant was appointed as is clear from the order made on September 13, 1992. Having done that we hardly find any reason set out in the order made by the Inspector on May 16, 1993 withdrawing the same. It is on this aspect of the matter repeatedly the higher officers called upon the Inspector to give his reasons for making that order. The defiant attitude of the Inspector is clear that in spite of the directions issued by the Deputy Director that the arrears should be paid from the date, the original order was made, have not been complied with and for no good reason at all.

In the circumstances, we find the order made by the Inspector on May 26, 1993 as modified by the order

dated February 1,1994 shall stand quashed and the order made earlier on September 13, 1992 shall stand restored.

..3/-

: 3 :

The appeal is disposed of in the above terms. In the circumstances of the case the appellant is entitled to Rs. 5,000/- by way of costs.

.SP1

.....J@@  
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[ S. RAJENDRA BABU ]@@  
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.....J@@  
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[ RUMA PAL ]@@  
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New Delhi,@@  
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November 27, 2001@@  
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