

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(s). 5456 OF 2005

BINA Appellant (s)

VERSUS

REGIONAL JT.DIR.OF EDU.,SAHARANPUR & ORS Respondent(s)

(With appln(s) for directions and permission to file additional documents and with office report)

WITH Civil Appeal NO. 5457 of 2005(With prayer for interim relief)

Date: 23/03/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Pramod Swaroop, Sr. Adv.  
Mr. Ravindra Bana,Adv.  
Ms. Preena Swaroop, Adv.  
Mr. Sanjeev Gautam, Adv.

Mr. Dinesh Kumar Garg, Adv.  
Mr. B.S. Billowria, Adv.

For Respondent(s) Mr. Shrish Kr. Mishra, Adv.  
Mr. Sandeep Singh, adv.  
Mr. Ameet Singh, Adv.  
Mr. Ajay K. Agrawal,Adv.

Mr. Dinesh Kumar Garg, Adv.  
Mr. B.S. Billowria, Adv.

Mr. R.C. Kaushik, Adv.

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

Civil Appeal No. 5456/2005

The appeal is dismissed in terms of the signed order. No order as to the costs.

Civil Appeal No. 5457/2005

In terms of the order passed in C.A. No. 5456/2005, this appeal is also dismissed. No order as to the costs.

(Indu Satija)  
Court Master

(Ajay Kr. Jain)  
AR-cum-PS

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5456 OF 2005

Bina ..... Appellant

Versus

Regional Joint Director of ..... Respondents  
Education, Saharanpur & Ors.

WITH

O R D E R

Civil Appeal No. 5456/2005

Heard learned counsel for the appellant.

This appeal has been filed against the impugned judgment and order dated 25.10.1999 of the Division Bench of the High Court of Judicature at Allahabad whereby the appeal filed by the appellant herein has been dismissed. Facts in detail have been mentioned in the impugned order as also the order of the learned Single Judge hence we are not repeating the same here.

The appellant was appointed as a teacher in Arya Kanya Pathshala Inter College, Muzaffarnagar after advertising the the vacancy on the notice board of the school. It has been held by the Full Bench of the Allahabad High Court in the case of Radha Raizada Vs. Committee of Management, Vidyawati Darbari Girls' College reported as (1994) 3 UPLBEC 1551 (FB) that such appointment is illegal and the vacancy has to be advertised in a widely published newspaper. Admittedly, in the case at hand this was not done. The decision in the case of Radha Raizada (supra) has been approved by this Court in the case of Prabhat Kumar Sharma and Others Vs. State of U.P. And Others (1996) 10 SCC, 62.

Following the abovesaid decision in the case of Prabhad Kumar Sharma (supra), this appeal is dismissed. However, as regards the claim of the appellant for salary for the period for which she has worked, she may approach the District Inspector of Schools, who will decide her representation in accordance with law expeditiously.

Appeal dismissed. No order as to the costs.

Civil Appeal No. 5457/2005

In view of the order passed in Civil Appeal No. 5456/2005, this appeal is also dismissed. No order as to the costs.

.....J.  
(MARKANDEY KATJU)

.....J.  
(A.K. PATNAIK)

NEW DELHI;  
MARCH 23, 2010