

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 (Civil) No.4096/1998

(From the judgement and order dated 27/10/1997 in SA 878/97
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

VINOD K. TYAGI

Petitioner (s)

VERSUS

DISTT.INSPECTOR OF SCHOOLS,AGRA & ANR

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 05/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. M.N. Krishnamani, Sr. Adv.
Mr. G.C. Tyagi, Mr. S. Pasi, Adv.
Mr. D. Mahesh Babu,Adv.

For Respondent (s) Mr. Debasis Misra,Adv.

Mr. Y.P. Singh, Adv.
Mr. Ajay K. Agrawal.,Adv.

UPON hearing counsel the Court made the following
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The petitioner was appointed by the Managing Committee of the School on ad hoc basis. As his salary was not released by the State Government, he approached the High Court. The Division Bench of the Allahabad High Court has come to the conclusion that the Management, in the facts and circumstances of the case, had no jurisdiction to make the ad hoc appointment particularly in view of the provisions of the U.P. ..2

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Intermediate Service Commission Act, 1982 as amended in 1995, U.P. Secondary Education (Removal of Difficulty) Order 1981 and U.P. Secondary Education Service Commission Rules, 1983.

Having examined the aforesaid provisions of the Act and the Rules referred to, we see no infirmity with the impugned order so as to be interfered with by this Court. Necessarily therefore the State cannot be directed to release the salary of the petitioner. But, if the petitioner has

factually served the institution, the Managing Committee of the School which issued the appointment and accepted the services of the petitioner would be duty-bound to pay his salary.

The amount already paid by the State pursuant to the order of this Court may not be refunded. Since the petitioner has already been over-aged, and if the appropriate authority is considering for any appointment against any existing vacancy, then the petitioner may be considered by condoning the age.

The Special Leave Petition stands disposed of with the aforesaid observations.

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(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master