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C.A.No. 658 OF 1999

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ITEM NO. 107 COURT NO. 5 SECTION IX

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. 658/1999

Maharashtra Rajya P.P. .. Appellant (s)  
Shikshak Sabha  
Vs.

Maharashtra Rajya P Shishak .. Respondent(s)  
Samitte & Ors.  
( With appln. for exemption from filing c/c of the  
impugned judgment )  
With C.A. No. 659/1999

DATE : 31.10.2001 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. Yashank Adyaru, Sr. Adv.  
Ms. Nandini Gore, Adv.

For Respondent (s) : Mr. S.V. Deshpande, Adv.  
in 659 & Appl.  
in 658/1999

UPON hearing counsel the Court made the following

O R D E R

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.SP2

The appeals are allowed in terms of the signed  
order.

.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. 658/1999@@  
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Maharashtra Rajya P.P. .. Appellant  
Shikshak Sabha  
Vs.

Maharashtra Rajya P Shikshak .. Respondents  
Samitte & Ors.

With C.A. No. 659/1999@@  
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Respondent No. 1 which is an organisation of the Primary Teachers working with the Zila Parishad filed a writ petition before the High Court on the action taken by the respondents in relation to writing of confidential reports by the Coordinator. Under the Scheme introduced by the Government on 14.11.1994, it is stated that the Coordinator is appointed from amongst the Head Masters who had a particular qualification and he being in the same cadre and grade could not write the confidential reports of the other Head Masters. That writ petition came to be allowed.

We do not find the expression 'Coordinator' in the entire Scheme nor in the circular issued on 14.3.1996 by which the Centre-in-charge referred to in the Scheme is enabled to write the confidential reports of the teachers who are working in such schools where the post of Head Masters are either vacant or not sanctioned.  
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Firstly, we do not find that the Centre-in-Charge is authorised to write the confidential reports of the Head Masters at all in the circular dated 14.3.1996. Secondly, we may notice that the expression 'Coordinator' is nowhere used in the Scheme. In this view of the matter the High Court does not seem to have applied its mind either to the Scheme or to the Circular properly. The order made by the High Court is, therefore, set aside and the writ petition is dismissed. The appeals are allowed accordingly.

.....J@@  
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[ S. RAJENDRA BABU ]@@  
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.....J@@  
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[ DORAISWAMY RAJU ]@@  
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New Delhi,@@  
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October 31, 2001 @@  
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