

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10237/2007
(From the judgement and order dated 28/04/2006 in RSA No. 5061/2003 of
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJNI Petitioner(s)

VERSUS

RAMA SEWA SAMITI (REGD.) & ANR. Respondent(s)
(With office report)
(For final disposal)

Date: 26/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr.Gurbir singh Raikhy, Adv.
Mr. Pranav Vyas, Adv.
Mr. Surya Kant,Adv.

For Respondent(s) Mr. Seeraj Bagga, Adv.
Mrs. Sureshta Bagga,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is dismissed in terms of the signed order. There shall, however, be no order as to costs.

[Meenu Sethi] [Pushap Lata Bhardwaj]
A.R.-cum -P.S. Court Master

Signed order is placed on the file
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5882 OF 2008
(Arising out of S.L.P. (C) No.10237/2007)

Rajni ...Appellant

Versus

Rama Sewa Samiti (Regd.) ..Respondents
& Anr.

O R D E R

Leave granted.

Appellant herein was an employee of the respondent No.1. It is a privately managed school. The services of the appellant were terminated. She filed a suit praying for a decree of reinstatement

in service with back wages.

The said suit was dismissed by the learned trial judge by a judgment and decree dated 22.7.2003. An appeal preferred thereagainst, however, was allowed by the learned Additional District Judge by a judgment and decree dated 26.9.2003.

The High Court, however, by reason of the impugned judgment has allowed the Second Appeal preferred by the respondents herein.

The High Court, in view of the decision of this Court in Executive Committee of Vaish Degree College, Shamli and Ors. Vs. Lakshmi Narain and Ors. - AIR 1976 (SC) 888, opined that as the terms and conditions of the services

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of the appellant were not governed by any statute or statutory rules, no decree for reinstatement of services could have been granted in view of Section 14(1)(b) of the Specific Relief Act, 1963.

The High Court awarded a sum of Rs.20,000/- by way of damages in favour of the appellant.

Learned counsel appearing on behalf of the appellant, however, would draw our attention to the judgment of the learned District Judge wherein Clause 4(2) of Appendix XXVII of the Code had been noticed, which reads as under:

"(2) Subject to the prior approval of the District Education Officer of the District in which the school is situated the management of the school may terminate the services of a teacher by giving him a notice for a period of three months or for a period of less than three months as specified in the agreement referred to in Clause 1 above or by paying basic salary for the notice period, for any or more of the following reasons:

XXX	XXX	XXX
XXX	XXX	XXX
XXX	XXX	XXX"

The High Court, however, in our opinion has rightly opined that unless it is shown that the said Code has any statutory force, reinstatement of services could not have been directed in view of Vaish Degree College's case(supra).

Such a Code which is a compendium of circular

letters issued by the Directorate of Education and/or the Department of Education of the Government does not have any statutory force.

{See:

Sri Dwarka Nath Tewari & Ors.Vs. State of Bihar & AIR 1959 (SC) 249

Ors. -

Bharat Sanchar Nigam Ltd. & Anr.Vs. BPL Mobile Ltd. & Ors. - 2008 (8) SCALE 106 .

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Despite opportunities granted, the learned counsel for the appellant has failed to show that the conditions of services of the appellant were governed by any statute or statutory rules.

In this view of the matter, there is no merit in this appeal. The appeal is accordingly dismissed. There shall, however, be no order as to costs.

[S.B. SINHA]

.....J.

[CYRIAC JOSEPH]

.....J

New Delhi,
September 26, 2008.