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SLP(C)No. 4791 OF 2001
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 6686 of 2001@@
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(Arising out of SLP(C) No. 4791 of 2001)

Commissioner, Kendriya Vidyalaya Sangathan & Ors. ...Appellant (s)

Versus

Khem Chand Yadav ...Respondent(s)

O R D E R~@@
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Leave granted.

The short question that arises for consideration in this appeal is whether the High Court was justified in issuing the impugned interim direction while the writ petition itself is pending before it for considering the legality of the order of the Tribunal. The services in question having been terminated without holding an inquiry in exercise of power under Section 81(b) of the Education Code, the Tribunal held that there was no justification to dispense with the inquiry.

The correctness of that conclusion is the subject matter of challenge in the writ application. While keeping the writ petition with it, the High Court could not have by an interim order, directed a regular inquiry to be conducted by the competent authority of the Kendriya Vidyalaya Sangathan (KVS). The impugned interim order would render the writ petition itself infructuous. We accordingly set aside the said order of the High Court dated 1.12.2000.

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This appeal is accordingly allowed to the extent indicated herein above.

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(G.B. PATTANAİK)@@
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New Delhi
September 24, 2001

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(RUMA PAL)@@
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ITEM No.47

Court No. 4

SECTION XV
A/N MATTER

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.4791/2001

(From the judgement and order dated 01/12/2000 in DBCSA 2438/2000
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

COMMNR., KENDRIYA VIDYALAYA SANGATHAN&ORS

Petitioner (s)

VERSUS

KHEM CHAND YADAV

Respondent (s)

(With prayer for interim relief and office report)

(With Appln(s). for exemption from filing c/c of the impugned Judgment
directions)

Date : 24/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. T.L.V. Iyer, Sr. Adv.
Mr. S. Rajappa, Adv.

For Respondent (s) Mr. G.G. Upadhyay, Adv.
Mr. Syed Ali Ahmad, Mr. Syed Tanweer Ahmad,
Mr. A.K. Raina, Mr. Vikas Bansal,
Mr. K.L. Gautam, Mr. R.D. Upadhyay, Advs.

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

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Leave granted.
Appeal allowed in terms of the signed order.

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(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)