

\*ITEM NO.104

COURT NO.6

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(s). 3979 OF 2006

ANNAPURNA SHIKSHAN PRASARAK MANDAL & ANR.

Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln(s) for early hearing and exemption from filing O.T.  
and with office report)

Date: 08/09/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. Vishwajit Singh,Adv.  
Mr. Vijay Kumar, Adv.

For Respondent(s) Mr. Manoj Swarup, Adv.  
Mr. Dilip Annasaheb Taur, Adv.  
Mr. Santosh Kumar Tripathi,Adv.

Mr. Shankar Chillarge, Addl. Govt. Adv.  
Ms. Asha Gopalan Nair ,Adv.  
Mr. Pratik Bombarde, Adv.

Mr. Braj Kishore Mishra, Adv.  
Ms. Aparna Jha ,Adv.  
Mr. Vikram Patralekha, Adv.  
Mr. H.P. Sahay, Adv.

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

The Appeal is partly allowed in terms of the signed  
order.

ITEM NO.104  
(08/09/2011)

COURT NO.6

SECTION IX

CIVIL APPEAL NO(s). 3979 OF 2006  
Contd....

Office Report dated 5th day of September, 2011 indicates  
that Mr. Anil Kumar, learned counsel, has filed an  
application for intervention/impleadment but the same is  
defective. The said application for intervention/impleadment  
stands dismissed.

( Rajesh Dham )  
Court Master

( Indu Satija )  
Court Master

(signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3979 OF 2006

ANNAPURNA SHIKSHAN PRASARAK MANDAL & ANR.

Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

O R D E R

Heard learned counsel for the appearing parties.

The appellants are aggrieved by the impugned order of the High Court of Judicature at Bombay whereby it has affirmed the order of the School Tribunal (for short 'the Tribunal') directing the reinstatement of respondent No. 3 before us along with back wages from 01st of March, 1997.

Respondent No. 3 was working as Headmistress of the school from 01st of July, 1985 and was elected as a member and Chairperson of the Zila Parishad in March/April, 1992. She prayed for grant of long leave, but no decision was taken thereon. After the expiry of the term of the Chairperson, she went back to the school to join but was not allowed. She filed a suit

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which was found not maintainable and thereafter she moved the Tribunal. The Tribunal held that she was entitled for the leave for the period she was functioning as the Chairperson of the Zila Parishad and accordingly directed for her reinstatement with back wages from 01st of March, 1997.

We do not find any error in the order of the Tribunal, as affirmed by the High Court, so far as the reinstatement of respondent No. 3 is concerned.

However, we are of the opinion that in the facts of the present case the Tribunal ought not to have granted the back wages. According to respondent No. 3 own showing, she had filed the suit which was found not maintainable and only thereafter she had resorted to the remedy before the Tribunal. For that she has to blame herself. During this period the person holding the post of Headmistress must have been paid the emoluments. In the facts and circumstances of the case, we are of the opinion that the direction given by the Tribunal regarding payment of back wages, as affirmed by the High Court, deserves to be set aside.

In the result, the Appeal is partly allowed, the orders of the Tribunal, as affirmed by the High Court,

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directing for payment of back wages to respondent No. 3 are set aside. No costs.

Office Report dated 5th day of September, 2011 indicates that Mr. Anil Kumar, learned counsel, has filed an application for intervention/impleadment but the same is defective. The said application for intervention/impleadment stands dismissed.

.....J.  
(MARKANDEY KATJU)

NEW DELHI;  
SEPTEMBER 08, 2011

.....J.  
(CHANDRAMAULI KR. PRASAD)