

ITEM NO.204

COURT NO.2

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).26688-26689/2013

(Arising out of impugned final judgment and order dated 25/06/2012 in WA No. 557/2009,01/03/2013 in RP No. 593/2012,01/03/2013 in WA No. 557/2009 passed by the High Court Of M.p At Jabalpur)

REGIONAL DIRECTOR DAV PUBLIC S.HUDCO.ANR

Petitioner(s)

VERSUS

RAJARAM RAWAT &amp; ORS.

Respondent(s)

(with appln. (s) for permission to file additional documents and interim relief and office report)  
(For final disposal)

Date : 10/07/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. C. N. Sree Kumar, Adv.  
Mr. Prakash Ronjon Nayak, Adv.  
Mr. Amit Sharma, Adv.

For Respondent(s) Mr. Tripurari Ray, Adv.  
MR. Dhirendra Singh Parmar, Adv.  
Mr. Susheel Tomar, Adv.  
Ms. Abha R. Sharma, Adv.

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

Leave granted.

The appeals are allowed in terms of the signed  
order.

(Shashi Sareen)  
Court Master

(Veena Khara)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEALS No. 5296-97 OF 2015  
(Arising out of SLP(C) No. 26688-89 of 2013)

REGIONAL DIRECTOR DAV PUBLIC SCHOOL HUDCO & ANR. ... Appellant(s)

Versus

RAJARAM RAWAT AND ORS. .. Respondent(s)

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O R D E R

Leave granted.

These appeals arise out of an order dated 25.06.2012 passed by the High Court of Madhya Pradesh at Jabalpur whereby Writ Appeal No. 557 of 2009 filed by the appellant has been disposed of with a direction that an appointment order shall be issued in favour of the respondent within a period of one month from the date of the order passed by the Court.

The respondent appears to have applied for appointment as a teacher in the appellant school. Sometime later his services were terminated in terms of an order dated 09.02.2009 primarily on the ground that he did not possess the requisite B.Ed qualification required for such an appointment. Aggrieved the respondent preferred Writ Petition No. 1172 of 2009

which was allowed by a Single Judge of the High Court in terms of his order dated 03.07.2009 with a direction to the appellant to re-instate the respondent in service.

The above order was then questioned by the appellant in Writ Appeal No 557 of 2009 before a Division Bench of that Court. When the writ appeal came up for hearing before the Division Bench on 10.05.2012, an affidavit was filed on behalf of the appellant stating that if the respondent filed a fresh application for appointment as a teacher, the same shall be considered by the Selection Committee. The respondent when asked by the Court appears to have agreed to make a fresh application for a fresh appointment as a teacher. The Court noted the said offer and acceptance and adjourned the matter with the observation that the appellant shall consider the prayer of the respondent for an appointment.

A fresh application accordingly appears to have been filed by the respondent for appointment which was acknowledged by the appellant and the respondent asked to appear for interview before the Selection Committee. To cut the long story short the respondent was eventually offered a temporary appointment for a period of eight months' only which the respondent declined to accept. Not only that the respondent appears to have

instituted proceedings for contempt alleging breach of the orders passed by the High Court in which the High Court appears to have issued a notice to the appellant. It was at that stage that the appellant preferred the present appeal questioning the order passed by the High Court on 25.06.2015 whereby Writ Appeal No. 557 of 2009 was disposed of with the observations that the appellant shall make an appointment order in favour of the respondent within a period of one month.

We have heard learned counsel for the parties at some length, who have taken us through the orders passed by the High Court as also the relevant record. The material facts as set out above are not in dispute. It is not in dispute that during the pendency of the writ appeal, the appellant appears to have offered to consider the respondent's case for a fresh appointment if he made a fresh application. That fresh application when considered did not result in the issue of a regular appointment of the respondent as expected by him. Instead appointment for a short period only was given to him which was not to his liking. Be that as it may the net result of the development after the filing of the writ appeal was that the arrangement sought to be worked out by the parties based on a fresh application and fresh consideration of the same did not fructify in

a regular appointment in favour of the respondent. Learned counsel for the appellant was asked whether the appointment offered by the appellant can be made permanent. Learned counsel for the appellant however submitted that a regular appointment may not be permissible dehorse the norms fixed by the CBSE in terms of its Circular dated 06.03.2012. Be that as it may we see no option but to relegate the parties to the stage at which a fresh application and fresh appointment was mooted before the High Court.

We accordingly allow these appeals set aside the orders passed by the division Bench of the High Court and direct that Writ Appeal No. 557 filed by the appellant herein shall be listed and heard on merits afresh in accordance with law. We make it clear that we have expressed no opinion on any one of the contentions that may be open to the parties at the hearing of the said appeal. We request the High Court to expedite the hearing of appeal. No costs.

.....J.  
(T.S.THAKUR)

.....J.  
( R.BANUMATHI )

New Delhi,  
July 10<sup>th</sup>, 2015.