

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 (Civil) No(s).1 3 8 5 2 / 2 0 0 4

(From the judgement and order dated 0 3 / 0 3 / 2 0 0 4 in W P No. 9 1 0 / 2 0 0 4 of The
H I G H C O U R T O F M . P A T J A B A L P U R)

R E N U K A S I N G H

Petitioner(s)

V E R S U S

U . O . I . & O R S .

Respondent(s)

(With prayer for interim relief)

W I T H S L P (C) N O . 2 3 3 4 3 - 2 3 3 4 4 o f 2 0 0 4
(With appln. for c/delay in filing S L P and office report)

Date: 1 3 / 1 2 / 2 0 0 7 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E P . P . N A O L E K A R
H O N ' B L E M R . J U S T I C E L O K E S H W A R S I N G H P A N T A

For Petitioner(s) Mr. Ra mes h Babu M.R., Adv.

For Respondent(s) Mr. Amarjit Singh, A S G
Mr. Vika s Singh, A S G
Ms. Abha R. Shar m a , Adv.
Mr. B. K . Pr a s a d, Adv.
Mrs Anil K atiyar , Adv

Mr. Vika s Upadhyay, Adv.
Mr. B.S. Banthi a , Adv
Mr. Pr a deep Pu rohit, Adv,

Mr. K. K . Mohan, Adv.

Mr. T.G. Nar ayan a n Nair, Adv.

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

Leave granted. The appeals are disposed of in terms of the
signed order.

(Ganga Tha ku r) (Neeru Bal a Vij)
P. S. to Registra r Court Master
Signed order is placed on the file.

I N T H E S U P R E M E C O U R T O F I N D I A
C I V I L A P P E L L A T E J U R I S D I C T I O N
C I V I L A P P E A L N O . 5 9 2 4 O F 2 0 0 7
(Arising out of S L P (C) N o . 1 3 8 5 2 o f 2 0 0 4)

R E N U K A S I N G H

...A P P E L L A N T (S)

V E R S U S

With C.A. No. 5 9 2 5 - 5 9 2 6 of 2 0 0 7 @ S L P (C) Nos. 2 3 3 4 3 - 2 3 3 4 4 / 0 4

O R D E R

Leave granted.

Heard learned counsel for the parties.

For appointment to the post of P r i m a r y School Teacher in Ordnance Factory P r i m a r y School, K a t n i , names were called from Employment Exchange. The written test and interview were held of the candidates who had applied for the post. In the selection, Smt. Arti Mishr a was No. 1 in the merit list, whereas Smt. Renuk a Singh was No. 2. As Arti Mishra was No. 1 in the select list, she was given appointment in the post of P r i m a r y Teacher in the school.

Aggrieved by the order of appointment, Renuk a Singh

filed a petition before the Central Administr ative Tribunal which was dismissed. Renuk a Singh preferred a writ petition before the

High Court challenging the order of dismiss al of her O.A. By

order dated 3 0 . 1 2 . 2 0 0 3 , the High Court remanded the matter to

the Central Administr ative Tribunal for reconsideration of the

case on merits. The Central Administr ative Tribunal, on

reconsideration of the matter, allowed the petition of Renuk a

Singh and directed that Renuk a Singh be appointed in the post of

P r i m a r y Teacher. The Tribun al further directed to accommodate

Arti Mishr a in the next vacancy or make provision for

supernu mer a r y post so that she can be appointed on the post. The

Union of India, aggrieved by the order, filed a writ petition in the

High Court. The High Court by the impugned order, held that

findings recorded by the Tribunal that Arti Mishra was not

qualified for appointment on the post as she did not possess two

years' experience on the date of her appointment in a recognized

school is correct and in pursuance thereof the High Court directed

that fresh selection process would be undertaken for the

appointment on the post of P r i m a r y Teacher and both the

candidates Renuka Singh and Arti Mishra shall be considered in accordance with the Rules. It was further directed that until the selection is made, Arti Mishra shall continue to perform the duties of Primary Teacher. Aggrieved by the order of the High Court, both Renuka Singh and Arti Mishra filed separate SLPs.

It is submitted by learned counsel for Renuka Singh that once it has been held by the High Court that Arti Mishra could not have been selected to the post, the direction which could have been given by the High Court should be to appoint Renuka Singh on the post and to quash the appointment of Arti Mishra, whereas it is contended by learned counsel for Arti Mishra that finding recorded by the High Court that she was not qualified for appointment on the post of Primary Teacher, was not correct as on the date of the interview she had served in a recognized school for more than two years.

It appears from the record that Arti Mishra served for one year and nine months in Sarvodaya Vidyalaya, Katni and for three months in Ordnance Factory Education Society, Katni, and thus she had completed two years of service in a school.

We have been taken through the affidavit filed by Shri V.S. Saxena, District Education Officer, Jabalpur who has stated in affidavit that Neema Sarvodaya Vidyalaya, Jai Hind Chowk, Katni is a recognized school, whereas the Civil Lines branch of Sarvodaya Vidyalaya, wherein Arti Mishra taught, has no such recognition. It is further stated that though Sarvodaya Vidyalaya, Civil Lines is claimed to be a branch of Neema Sarvodaya Vidyalaya, there is no provision for recognition of a branch of a school until and unless an application is made for recognition and the procedure as stipulated in the instructions issued by the Director of School Education is satisfied. From this affidavit, it is clear that Sarvodaya Vidyalaya, Civil Lines which is a branch of the Neema Sarvodaya School, Jai Hind Chowk, Katni is not a recognized school. As qualification required for appointment to the post of

Primary Teacher was two years' service in a recognized school,
Arti Mishra was not qualified to appointment on the post as she
did not hold two years' experience of teaching in a recognized
school.

On the aforesaid, it is clear that Arti Mishra could not
have been appointed on the post as a result thereof the
appointment of Arti Mishra is set aside and it is directed that
Renuka Singh will be given appointment as Primary Teacher.

Parting with the case, we hope that Union of India shall
take into consideration that Arti Mishra is in service of the
school for more than 10 years and if she can be accommodated,
the Union of India would consider her case and appropriate order
to that effect may be made.

The Appeals are disposed of accordingly.

.....J .
(P . P . NAOL E K A R)

..... J
(J.M. P A N C H A L)

New Delhi,
December 13, 2007