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SLP(C)No. 13851 OF 1999

ITEM No.25

Court No. 4

SECTION XI  
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.13851/1999

(From the judgement and order dated 05/07/1999 in SA 1001/98  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MAHENDRA K. BHARDWAJ

Petitioner (s)

VERSUS

DISTT.INSPECTOR OF SCHOOLS & ORS

Respondent (s)

(With prayer for interim relief)  
( With Appln(s). for taking additional document on record )  
With

SLP(C)No.17758/1999

Date : 21/09/2001 These Petitions were called on for hearing today.

CORAM :

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

For Petitioner (s) M/s. GG.Upadhyay,S.A.Ahmed,S.T.Ahmed,A.K.Raina  
Vikas Bansal,Advs. for  
Mr. R.D. Upadhyay,Adv.

For Respondent (s) Mr. Y.P. Singh,Adv. with  
Mr. Ajay K. Agrawal.,Adv.  
  
Mr. Goodwill Indeevar,Adv.

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

.....L.....I.....T.....T.....T.....T.....J.  
.SP2

Leave granted.  
The appeals are disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@  
AA  
Court Master Court Master@@

AA

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6593/2001@@  
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(arising out of SLP(C) No. 13851/1999)

M.K. Bhardwaj . . . .Appellant

Vs.

Distt.Inspector of Schools & Ors. . . .Respondents

WITH C.A.6594/2001@ SLP(C) NO. 17758/1999@@  
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O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....J.  
.SP2

Leave granted.

These two appeals raise the question as to whether the appointment of the appellant in each of the appeals was validly made by the Managing Committee, and that whether there was any approval of the public authority to such appointment. The respondents took a stand in the counter affidavit alleging therein that the so-called appointment (Annexure-P2 dated 25.7.1992) is a forged one, and such forged order of approval will not confer any right on the claim of the appellants. In view of this stand taken in the counter affidavit, we directed that the letter of approval should be sent to a hand-writing expert for his opinion at the cost of the appellants. Pursuant to the said order, the letter of approval had been sent to the hand-writing expert, who has given his opinion categorically stating that the letter of approval is a genuine one and is not a forged one. In view of this report of the hand-writing expert, and in

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view of the stand taken in the counter affidavit there is no impediment on the part of the appellants to get the relief sought for. Mr. Singh in course of his arguments appearing for the State contended that the appointment and approval would be contrary to the relevant provisions of the U.P. Act and the rules framed therein. We are not called upon to examine the submission in view of the positive stand taken in the counter affidavit, which was found to be untrue. In the aforesaid circumstances, the appellants are entitled to get their salary from the Educational Authorities. Needless to mention, if the Educational Authorities has any power under any statutory provision, they may take appropriate action. Amount of Rs.5000/- deposited by the appellants in this Court may be released to the hand-writing expert.

The appeals are disposed of accordingly.

.SP1

.....J.  
(G.B. PATTANAİK)@@  
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New Delhi,  
September 21, 2001

.....J.@@  
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( RUMA PAL )@@  
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