

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 212 OF 2016

GOVERNMENT AIDED PRIVATE .. APPELLANT(S)
SCHOOL MANagements
ASSOCIATION AND ORS.

VERSUS

HARYANA STATE ADHYAPAK .. RESPONDENT(S)
SANGH AND ANR.

WITH

CIVIL APPEAL NO. 217 OF 2016

CIVIL APPEAL NO. 236 OF 2016

O R D E R

1. All these matters involve a common question, i.e., whether the teachers and other employees of the schools and the colleges are entitled to benefits under the (Assured Career Progression) Rules, 1998 (hereinafter referred to as "ACP Rules, 1998") framed by the State of Haryana under the proviso to Article 309 of the Constitution of India.

2. Shri Govind Goel, learned counsel appearing on behalf of the management of the schools in Civil Appeal No. 212 of 2016 submits that the High Court proceeded to declare that the teachers and other employees of aided schools of the State of Haryana are entitled to Assured Career Progression (ACP) without any management of the said schools being a party to the proceeding. This fact is neither denied by the learned counsel appearing on behalf of the respondents nor by the learned counsel appearing for the State of Haryana. The learned counsel for the State of Haryana accepted the fact that the financial liability under the ACP Rules, 1998 must be borne by the a management of the aided schools. It is, thus, obvious that the rights of the management of schools have been adversely affected without being heard.

3. Similarly, in Civil Appeal No.217 of 2016,

it is common ground that the management of the aided schools has not been heard. Civil Appeal No. 236 of 2016 has been filed by the State of Haryana in respect of the liability imposed on the schools as in Civil Appeal No. 212 of 2016. Under these circumstances, we are of the view that the matters should be remanded back to the High Court for a fresh decision in accordance with law after hearing the managements.

4. We, accordingly, set aside the impugned judgments in all the appeals and remand the matters back to the learned Single Judge of the High Court for fresh decision in accordance with law.

5. The appellants shall apply for impleadment of all the managements who are likely to be affected by the order of the High Court. Needless to say that the impleaded parties shall be entitled to file their response before the matters are taken up for hearing.

6. The appeals are, accordingly, allowed in above terms.

7. All the contentions of all the parties are kept open.

8. We may note that any action for recovery etc. shall be taken in accordance with the decision of the High Court.

9. We request the High Court to take up the matters as expeditiously as possible, preferably within one year from the date of receipt of the copy of this order.

Ordered accordingly.

.....J.
[S.A. BOBDE]

.....J.
[ASHOK BHUSHAN]

NEW DELHI,
JULY 14, 2016.

ITEM NO.103

COURT NO.13

SECTION IV

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

Civil Appeal No. 212/2016

GOVT.AIDED PRIVATE SCHOOL MANagements
ASSOCIATION AND ORS.

Appellant(s)

VERSUS

HARYANA STATE ADHYAPAK SANGH AND ANR

Respondent(s)

(With appln. for stay and interim relief and office report)

WITH

C.A. No. 217/2016

C.A. No. 236/2016

(With Office Report)

Date : 14/07/2016 These appeals were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Mr. Govind Goel, Adv.
Mr. Ankit Goel, Adv.
Mr. Desam Sudhakara Reddy, Adv.
Dr. Kailash Chand, Adv.

For Appellant(s)/ Ms. Nidhi Gupta, AAG
Respondent(s) Ms. Anubha Agrawal, Adv.

For Respondent(s) Ms. Jasbir Singh Malik, Adv.
Mr. Kuldeep Rai, Adv.
Ms.Usha Nandini. V, Adv.

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

The appeals are allowed in terms of the
signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Pokhriyal]
Court Master

[Signed order is placed on the file]