

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 7369/2012

THE EDUCATIONAL AGENCY (MANAGER)
ZAMORINS HIGHER SECONDARY SCHOOL

Appellant(s)

VERSUS

JAYASREE T . & ORS.

Respondent(s)

(IA 4/2016 (APPLICATION FOR IMPLEADMENT))

WITH

Civil Appeal No(s). 7433/2012

O R D E R

We have heard learned counsel for the parties. It appears that respondent No.1 had been with the appellant on an intermittent basis as a teacher in Sociology. Her services were dispensed with sometime in 2004. She approached the High Court with a writ petition in which it was prayed that in case any vacancy arises in the school, she may be given preferential treatment for the purposes of appointment. The High Court decided in her favour vide Judgment dated 08.04.2009.

We had enquired on the last date of hearing i.e. 31.01.2018 whether the post had since been advertised and if so whether respondent No.1 had applied for appointment.

Learned counsel for the appellant has handed over an

additional document to suggest that an advertisement for appointment of teacher for Sociology was published in a newspaper on 2nd June, 2012.

Respondent No.1 did not apply in response to that advertisement. It is submitted that application was not made because the matter was pending in this Court.

We find that this Court vide order dated 15.05.2009 had stayed the operation of the impugned judgment and order of the High Court. Therefore, there was no impediment on respondent NO.1 making an application for appointment. We have also been informed through the documents given today that the post has since been filled up in 2012 by Ms.Rasmitha who has filed an application for intervention.

In view of the changed circumstances over the last several years, in our opinion, the issue raised in the appeal has now been rendered academic. We therefore decline to go into the question that has been raised by the appellant but leave that question open for consideration in an appropriate case. Since respondent No.1 did not apply for the post of teacher in Sociology and someone else has been appointed against this post a few years ago, we do not think it appropriate to disturb the appoint of Ms. Rasmitha.

However, we make it clear that since there is no allegation of misbehaviour or misconduct or any such nature, the school should consider the intermittent appointment of the appellant as and when any vacancy arises.

In view of the above, the civil appeals stand disposed of.
No order as to costs.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
April 12, 2018.

ITEM NO.108

COURT NO.4

SECTION XI-A

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

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Respondent(s)

WITH

C.A. No. 7433/2012 (XI-A)

C.A. No. 6381/2010 (XI-A)

Date : 12-04-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s) Mr. K. Rajeev, AOR

Mr. Mohammed Sadique T.A., AOR

Mr. Romy Chacko, AOR
Mr. Varun Mudgal, Adv.
Mr. Chandan Kumar Mandal, Adv.

For Respondent(s) Mr. Siddhartha Dave, Adv.
Mr. A. Raghunath, AOR
Ms. Jemtiben, Adv.

Ms. D. Durga Devi, Adv.
Mr. Chandra Prakash, AOR

Mr. Vishnu Sankar, Adv.
Mr. Nishe Rajen Shonker, AOR
Mr. Gaurav Agarwal, Adv.

Mr. C. K. Sasi, AOR

UPON hearing the counsel the Court made the following

O R D E R

Civil Appeal No(s). 7369/2012 and 7433/2012

The civil appeals are disposed of in terms of the signed order. Pending application is disposed of.

C.A. No. 6381/2010

Detag.

(MEENAKSHI KOHLI)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER

[Signed order is placed on the file]

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(s). 7369/2012

EDUCATIONAL AGENCY (MANAGER)
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