

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)
ZAMORINS HIGHER SECONDARY SCHOOL

Appellant(s)

VERSUS

JAYASREE T. & ORS.
(IA 4/2016 (APPLICATION FOR IMPLEADMENT))

Respondent(s)

WITH

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

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

Date : 31-01-2018 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
Ms. Anu K. Joy, Adv.

Mr. Romy Chacko, AOR

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

Mr. Chandra Prakash, AOR

Mr. Gaurav Agarwal, Adv.
Mr. Nishe Rajen Shonker, AOR
Mr. Alim Anvar, Adv.

Mr. C. K. Sasi, AOR

UPON hearing the counsel the Court made the following

O R D E R

According to respondent No.1, she is entitled to preferential appointment as a higher secondary teacher with the appellant. This

is denied by the appellant and therefore this appeal.

It has transpired during the course of hearing that according to the appellant the post, for which a claim is made by respondent No.1, is a promotional post and respondent No.3 is promoted to that post. However, respondent No.3 is now not working in that post having been appointed by the appellant to a college. Therefore, the post in dispute is lying vacant.

It is the submission of learned counsel for respondent No.1 that some other person who is not a party has been appointed to the disputed post overlooking the claim of his client. He further says that the appointment was from the open market and was made without following any procedure.

Learned counsel for the appellant seeks some time to find out whether the procedure for appointment from the open market was followed and whether or not there was any person in the institution who was entitled for promotion to the disputed post. If the procedure of advertising the post was followed, the appellant should inform us whether respondent No.1 had applied for appointment in that post.

List the matters after three weeks.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER