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C.A.No. 2232 OF 1999

Item No.102

COURT No. 4

SEC.XI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL No.2232/1999@@
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Shoran Lal Sharma

Appellant (s)

VERSUS

Dy. Director of Education, Meerut & Ors.

Respondent (s)

Date : 27.03.2001 This appeal was called on for hearing today.@@
AA

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIK
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s) M/s. Manoj Saxena, Piyush Sharma and
Mr. J.P. Sharma, Advs. for
Mr. Pravir Choudhary, Adv.

For Respondent(s) M/s. Y.P. Singh, A.K. Agrawal, C. Siddharth, M.K
Sharma and V. Mishra, Advs.
for Mr. R.B. Misra, Adv.

For Res.No.3 Ms. Sujeta Srivastava & Ms. Meenakshi Arora, Advs

UPON hearing counsel the Court made the following

O R D E R

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

.SP2

The appeal is disposed of.

.SP1

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

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2232/1999@@
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Shoran Lal Sharma ..Appellant

Vs.

Dy. Dir.of Education, Meerut & Ors. ..Respondens

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....J.
.SP2

This appeal is directed against the judgment of the Allahabad High Court in Civil Miscellaneous Writ Petition No.11765/1993. By the impugned judgment, the High Court has dismissed the Writ Petition filed by the appellant. The appellant was Head Master of a Junior School, and the school in question was recognised by the Uttar Pradesh Intermediate Board in the year 1973. The school was admitted to the benefit of the grants-in-aid in the year 1976, and thus, the institution became an aided institution. In 1977, elections to the Managing Committee of the school took place, and it appears that again in March 1977, another set of persons were elected as the members of the Managing Committee. The appellant, who was continuing as Head Master, was suspended from service by the said Managing Committee on 16.7.1977. A set of charge-sheet was also served upon him, and finally an order of termination was passed by the Resolution of the Managing Committee dated 7.11.1977. Under the provisions of the U.P. Intermedicate Education Act, 1921, no order of termination would be effective unless approved by the

competent educational authority. The Resolution of the Managing Committee dated 7.11.1977 initially had not been approved by the District Inspector of Schools, but the Management approached the appellate authority, namely, the Deputy Director, Education, and the said Deputy Director, Education remanded the matter for re-consideration of the District Inspector of Schools. After the matter came back, the District Inspector of Schools approved the order of termination on 24.4.1980, and thus the order of termination of the appellant became effective in the eye of law with effect from the said date. Against the said order of approval, the Head Master approached in appeal to the Deputy Director. The Deputy Director initially did not entertain the appeal, as being time barred. The appellant then approached the High Court, and on the direction of the High Court that the appeal be disposed of on merits, the said Deputy Director entertained the appeal and disposed it of on merits by order dated 12.3.1993. The appellate authority dismissed the appeal and agreed with the order of approval passed by the District Inspector of Schools. The appellant

passed, and the order of termination passed by the Managing Committee on the basis of a finding of an enquiry, and therefore we do not find any substance in the arguments of the learned counsel that entire process of initiation of the proceedings as well as the order of termination is vitiated on that score. The said contention of the learned counsel therefore stands rejected.

So far as the second contention is concerned, it is no doubt true, as indicated in sub-section (7) of section 16-G of the Act that an order of suspension unless approved in writing by the Inspector would not remain in force for more than 60 days from the date of the suspension, but this contention does not appear to have raised before the High Court in the impugned judgment, and further it depends upon the fact whether the order of suspension had, in fact, been approved by the Inspector within the specified period or not. But it goes without saying that the order of termination would be effective in the eye of law, the same being approved by the competent educational authority, and in the case in hand, the approval has been accorded on 24.4.1980. Necessarily therefore the appellants must be deemed to be

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continuing in service till 24.4.1980 and as such would be entitled to all the pecuniary benefits that would be available to him under law till 24.4.1980. The appropriate educational authority may consider the relevant facts and decide the quantum of benefit, which the appellants would be entitled to on the basis that he was suspended on 16.7.1977, and his services validly stood terminated on 24.4.1980, the same being approved by the educational authority.

The appeal is disposed of.

.SP1

.....J.
(G.B. PATTANAİK)

New Delhi,
March 27, 2001

.....J.
(B.N. AGRAWAL)