

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10506-10510 OF 2011

THE CORRESPONDENT, SCHAFFTER HIGHER
SECONDARY SCHOOL, TIRUNELVELI AND ORS. ETC. Appellant (s)

VERSUS

A. M. SANKEY JOHN AND ANR. ETC. Respondent(s)

J U D G M E N T

KURIAN, J.

1. The appellants are before this Court, aggrieved by the Judgment and order dated 26.03.2010 passed by the Madurai Bench of the High Court of Judicature at Madras in W.A.(MD) Nos. 253, 254, 375, 376 and 377 of 2009. The Division Bench entered a finding that the termination of the private respondents was bad in law being in violation of the principles of natural justice.

2. During the pendency of the appeals before us, pursuant to our specific order dated 23.11.2017, the District Education Officer, Tirunelveli, has passed an order dated 04.12.2017 holding that the appointing authority was not competent to appoint the private respondents and hence, no approval can be granted in the case of those appointments. Though, no separate orders are passed in the case of the two remaining

private respondents, we take it that same is the stand taken by the District Education Officer and the same is their fate as well. Since there were several questions regarding the right to appointment, promotion, approval etc. before the High Court and since the High Court has finally limited the consideration to only the principles of natural justice, we are of the view that the matter, in view of the intervening developments of the District Education Officer rejecting the approval, needs to be sent back to the High Court. In order to avoid another round of litigation, we grant liberty to the private respondents to challenge the validity of the order dated 04.12.2017 passed by the District Education Officer, Tirunelveli, in the pending writ appeal(s).

3. The learned counsel appearing for the State submits that the fate of the two other persons namely, S. Arun Arockiaraj and Suganthi Selvakumari, is also the same as in the order dated 04.12.2017. Therefore, we make it clear that in their cases also, the order dated 04.12.2017 shall be treated as an order rejecting their approval as well and hence, it will be open to those two teachers also to amend their pleadings in the writ appeal(s) before the High Court. Accordingly, these appeals are disposed of

setting aside the impugned Judgment and remanding the matter back to the High Court for consideration afresh. It will be open to both the sides to take all available contentions before the High Court. We request the High Court to go into the validity of the order dated 04.12.2017 passed by the District Education Officer.

4. Being an old matter, we request the High Court to dispose of the writ appeal(s) expeditiously and preferably before the end of this academic year. Needless to say, the question as to who is the competent authority will also be gone into by the High Court.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

New Delhi;
December 11, 2017.

ITEM NO.301

COURT NO.5

SECTION XII

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). 10478-10498/2011

THE SECRETARY/CORRESPONDENT,
ST. JOHN'S COLLEGE AND ANR. ETC.

Appellant(s)

VERSUS

DR. S.WILSON AND ORS. ETC.

Respondent(s)

WITH

C.A. No. 10506-10510/2011 (XII)

C.A. No. 2353-2355/2017 (XII)

Date : 11-12-2017 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s) Mr. V. Prabhakar, Adv.
Mr. R. Chandrachud, AOR
Ms. Jyoti Parasher, Adv.
Mr. N. J. Ramchander, Adv.

For Respondent(s) Ms. Litta Sreenivasan, Adv.
Mr. J. B. Ravi, Adv.
Mr. Balaji Srinivasan, AOR

Mr. Romy Chacko, AOR
Mr. Shubham Singh, Adv.

Mr. K. v. Vijayakumar, Adv.

Mr. M. Yogesh Kanna, AOR

Mr. Seshatalpa Sai Bandaru, AOR

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

C.A. No. 10506-10510 of 2011 (School Teachers' case)

The civil appeals are disposed of in terms of the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

Civil Appeal No(s). 10478-10498/2011 and C.A. No. 2353-2355/2017
(College Teachers' case)

In view of the Judgment which we have passed above in Civil Appeal Nos. 10506-10510 of 2011, whereby we have remitted the appeals back to the High Court as far as the teachers of the school are concerned, we feel it appropriate to defer the Judgment in the case of college teachers till the High Court disposes of the writ appeal(s) in terms of the Judgment passed above. Ordered accordingly.

We make it clear that the pendency of the appeals in the case of college teachers shall not stand in the way of the High Court entering an independent finding, uninfluenced by the stand taken by the High Court in the impugned judgment.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment in Civil Appeal Nos. 10506-10510 of 2011 is placed on the file)