

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).7898-7899/2010

STATE OF WEST BENGAL & ORS.

Appellant(s)

VERSUS

SABHA RAJ SINGH & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO.7900 OF 2010

WITH

CIVIL APPEAL No.7901/2010

WITH

CIVIL APPEAL NO.7902 OF 2010

Civil Appeal Nos.7898-7899 of 2010:-

Heard Mr. Kalyan Bandopadhyay, learned Senior counsel appearing for the State of West Bengal and learned counsel appearing for the respondents.

We do not find any merit in the Appeals filed by the State of West Bengal and others.

Hence, the Civil Appeals are dismissed.

Interlocutory Application for impleadment as party respondent is also dismissed.

Civil Appeal No. 7900/2010:-

We have heard learned counsel appearing for the parties.

It appears that in this matter the appellants have come before this Court by filing this Appeal on the ground that although their School has been given recognition yet it has not been accorded approval to the teachers or considered their rights by the Authorities. The services of the teachers/appellants were not regularized. In view of that, they are suffering for such a long time. It has also been stated that most of the Teachers had already worked for such a long time have retired without getting the benefits although they have served the School since 1970. It

appears that in this matter subsequent thereto, the West Bengal School Service Commission Act, 1997 came into operation and it has been specifically stated under Section 10 of the said Act which has been pointed out to us by Mr. Kailash Vasdev, learned Senior counsel appearing in support of this Appeal that the rights of the protection of the teachers have been given under the said Section of the Act and the services of the teachers in the School before the commencement of the Act shall not be varied to the disadvantage towards them.

We have considered the said Section but it appears to us that since no steps have been taken by the Authorities, it would be proper for us to direct the Secretary, School Education to consider the case of the appellants herein including for regularization of their services in the School in question after giving personal hearing to the representatives of the School and also to the appellants herein and/or their representatives. The said Authority is directed to pass a reasoned order in the matter. We must state in the matter that the State Authorities must consider the case of the appellants. We only keep on record that the Order so passed by the High Court does not consider this aspect of the matter in question. We, therefore, pass a time frame to meet out i.e. reasoned order shall be passed by the Authority within a period of three months from the date of communication of this order.

In view of that, we pass this order and also direct the State Authorities that without being influenced by the orders so passed by the High Court, shall pass a reasoned order in the matter within the aforesaid period.

The Appeal is disposed of in the afore-stated terms.

Civil Appeal No.7901 of 2010:-

We have heard Mr. Bhaskar P. Gupta, learned Senior counsel appearing for the appellants and Mr. Kalyan Bandopadhyay, learned Senior counsel appearing for the State of West Bengal.

As it appears to us that the grievance of the appellants in this matter challenging the Order so passed by the High Court

without regularising the appellants on the ground that the cases of the appellants were hit by the Judgment in Secretary, State of Karnataka and Ors. Versus Uma Devi & Ors. reported in 2006 Volume 4 SCC 1.

However, we have heard learned counsel on the facts of the case in question. It appears that the appointments which have been made by the Managing Committee in the matter in respect of the School in question and who had worked for such a long time in the School, their appointments have not been regularized. It appears to us that the West Bengal School Service Commission Act, 1997 came into force in the matter after recognition of the School. It was a case of the State that no teacher can be appointed except in accordance with the provisions of the Act. However, we have specifically gone through the facts of this case as it appears to us that the School was originally a Junior High School recognized with effect from 1-1-1969. Thereafter, the said School was upgraded to Class IX High School with effect from 1-5-1999 and thereafter to Class X High School with effect from 1-5-2000. Admittedly, the appellants joined the School before the upgradation and recognition as Class X High School (Classes IX and X). The appellants, in fact, were appointed, as it appears from the facts of the case, in such School by the Managing Committee of the Junior High School as at that point of time was Class IX and X previously recognized by the Authorities. Meaning thereby, the West Bengal Board of Secondary Education subsequent thereto, it appears to us that the said School was upgraded and was duly recognized by the State Secondary Education Board. In view of that, it appears to us that the appellants since working for such a long time in the said School, their cases should be considered by the Authorities in the light of the provisions of law taking into consideration the West Bengal School Service Commission Act, 1997 and in our opinion at the time of such consideration, it would be the pleasure of the State Authorities to find out whether the appellants who have filed this appeal before us are still with the School or not. We, however, make it clear that the State

Authorities without being influenced with the Orders so passed by the High Court on the basis of Judgment reported in 2006 (4) SCC 1 shall deal with the matter and pass a reasoned order in the matter in accordance with law after giving personal hearing to the appellants herein. If they find that the appellants were working in the School, in that case, they shall consider the case of the appellants sympathetically.

The Appeal is disposed of in the afore-stated terms.

C.A. No. 7902/2010

Heard learned counsel appearing for the parties.

We do not think that there is any reason to interfere with the impugned Order so passed by the High Court of Calcutta.

Hence, the Civil Appeal is dismissed.

Needless to say that the interim order passed on 11-7-2008 shall stand vacated.

.....J
(PINAKI CHANDRA GHOSE)

.....J
(S.A. BOBDE)

NEW DELHI;
19TH FEBRUARY, 2015.

ITEM NO.101

COURT NO.13
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XVI

Civil Appeal No(s). 7898-7899/2010

STATE OF WEST BENGAL & ORS.

Appellant(s)

VERSUS

SABHA RAJ SINGH & ORS.

Respondent(s)

(With appln.(s) for impleadment as party respondent and office report)

WITH

C.A. No. 7900/2010

(With Interim Relief and Office Report)

C.A. No. 7901/2010

(With Interim Relief and Office Report)

C.A. No. 7902/2010

(With Interim Relief and Office Report)

C.A. No. 4274/2012

SLP(C) No. 30661/2009

(With Office Report)

Date: 19/02/2015 These appeals and Special Leave Petition were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s)

Mr. Kalyan Bandopadhyay, Sr. Adv.

Mr. Soumitra G. Chaudhuri, Adv.

Mr. Anip Sachthey, Adv.

Mr. Kailash Vasdev, Sr. Adv.

Mr. Vishwajit Singh, Adv.

Mr. Abhindra Maheshwari, Adv.

Mr. Shreyans Singhvi, Adv.

Mr. Bhaskar P. Gupta, Sr. Adv.

Mr. Partha Sil, Adv.

Mr. Abhishek Sarkar, Adv.

Ms. Mridula Ray Bharadwaj, Adv.

For Respondent(s)

Mr. Pijush K. Roy, Adv.
Mrs. Kakali Roy, Adv.
Mr. Mithilesh Kr. Singh, Adv.

Mr. Bijan Kumar Ghosh, Adv.
Mr. Sujoy Mondal, Adv.
Dr. Vivek Sharma, Adv.

Mr. Santi Ranjan Das, Adv.
Mrs Sarla Chandra, Adv.

Mr. Ghanshyam Joshi, Adv.

Mr. S. K. Bhattacharya, Adv.
Mr. Niraj Bobby Paonam, Adv.

Mr. S.S. Ray, Adv.
Ms. Rakhi Ray, Adv.
Mr. Rajan Tyagi, Adv.
Mr. Vaibhav Gulia, Adv.
Mr. Rishi Raj Jaiswal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Civil Appeal No(s). 7898-7899/2010:-

We do not find any merit in the Appeals filed by the State of West Bengal and others.

Hence, the Civil Appeals are dismissed in terms of the signed order.

Interlocutory Application for impleadment as party respondent is also dismissed.

C.A. No. 7900/2010

The Appeal is disposed of in terms of the signed order.

C.A. No. 7901/2010

The Appeal is disposed of in terms of the signed order.

C.A. No. 7902/2010

The Civil Appeal is dismissed in terms of the signed order.

Needless to say that the interim order passed on 11-7-2008 shall stand vacated.

C.A. No. 4274/2012 and SLP(C) No. 30661/2009:-

On the prayer made by learned counsel appearing for the parties, list the Civil Appeal No. 4274 of 2012 and Special Leave Petition (Civil) No. 30661 of 2009 after Holi Holidays.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)

