

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 736 OF 1999@@
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Swami Vivekanand Society & Ors. ...Appellant (s)

Versus

Sau. Prerana Vasant Joshi & Ors. ...Respondent(s)

[With C.A. No. 737/99]

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The Management is in appeal against the judgment of the Division Bench of Bombay High Court which dismissed the Letters Patent Appeal filed against the judgment of the learned Single Judge. The matter had been carried to the learned Single Judge in a writ petition against the order of the School Tribunal. The respondents were appointed as Assistant Teachers by the Management when the school was not an aided educational institution. After the school was inducted into the grant-in-aid scheme, the Education Officer inspected the school and indicated that the appointment of teachers not being approved, the Government would not be bound to pay their salary as grant-in-aid. The management, therefore, terminated the services of the respondents by order dated 01.07.1996. The respondents filed an appeal before the School Tribunal and while the matter was pending before the School Tribunal, the Government of Maharashtra issued a circular dated 05.11.1997 for regularisation of un-trained teachers. The School Tribunal disposed of the application of the teachers by holding that the order of termination is

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illegal. Against the said order of the School Tribunal dated 03.04.1998, the Management approached the High Court in a writ petition. That writ petition having been dismissed by a learned Single Judge by order dated 21.07.1998, the matter was carried in appeal to the Division Bench. The Division Bench having dismissed the same by order dated 6.08.1998, the present appeals have been preferred.

Mr. Mohta, the learned senior counsel appearing for the appellants-Management contended that under the provisions of the relevant rules/regulations, appointment of a teacher in an institution is required to be approved by the competent Educational Authority, namely, the Educational Officer of Zila Parishad and undisputedly the appointments of these respondents had not been approved by the said competent Authority. He further contended that the so-called regularisation circular issued on 5th of November, 1997 unequivocally indicates that the services of un-trained teachers could be continued provided they had been appointed in a recognised school and their appointments were duly approved by the competent Educational Officers (Zila Parishad)

[With C.A. No. 737/99]

(With office report)

Date : 14/03/2001 These petition(s)/appeal(s) was/were called
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIK
HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s) Mr. V.A. Mohta, Sr. Adv.
Mr. U.U. Lalit, Adv.

For Respondent (s) Mr. S.S. Shinde, Adv. for
Mr. S.V. Deshpande, Adv.
Mr. Shivaji M. Jadhav, Adv.

UPON hearing counsel, the Court made the following
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Appeals are allowed in terms of the signed order.
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(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)