

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11150/2007

(From the judgement and order dated 28/06/2007 in MAT No. 1951/2007 of
The HIGH COURT OF CALCUTTA)

SEC.,WEST BENGAL R.S.S.COMMISSION(S.R)

Petitioner(s)

VERSUS

SRI SARADINDU MAITY & ORS.

Respondent(s)

(With prayer for interim relief)
(for final disposal)

Date: 13/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Pijush K. Roy, Adv.
Mr.Sunil Kumar Verma,Adv.

For Respondent(s) Mr. Ranjan Mukherjee,Adv.

Mr. Tara Chandra Sharma ,Adv

UPON hearing counsel the Court made the following
ORDER

Leave granted.

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

(Pawan Kumar)
Court Master
(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

(M.S.Negi)
Court Master

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2009
(arising out of SLP(C)No.11150/2007)

SECRETARY, WEST BENGAL REGIONAL
SCHOOL SERVICE COMMISSION
APPELLANT
(SOUTHERN REGION)

...

VERSUS

SARADINDU MAITY & ORS.

... RESPONDENTS

ORDER

Leave granted.

The West Bengal Regional School Service Commission is the appellant before us, being aggrieved by the interim order dated 28.6.2007 made by the Division bench of the Calcutta High Court in appeal (MAT 1951/2007) filed by them. By the said order the High Court directed that candidates from the waiting list for 2006, which expired on 14.02.2007, be recommended for appointment as teachers in regard to four subjects within 48 hours. The contention of the appellant is that though the order is purportedly passed in the interest of the students and the School, being contrary to the relevant provisions of law which required the vacancies to be advertised, it was liable to be set aside.

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When the matter came up today both counsel submitted that regular teachers have been appointed in regard to the said four subjects during the pendency of this SLP. The SLP will not therefore survive for consideration. But the impugned order directing appellant to appoint teachers within 48 hours from an expired waiting list, if allowed to remain may set a bad precedent.

In the circumstances, we record the submission of the learned counsel that regular teachers have been appointed and set aside the interim order of the High Court. If any variation is required it is open to the parties to approach the High Court where the appeal is still pending for appropriate orders. The appeal is disposed of accordingly.

.....J.
(R.V. RAVEENDRAN)

.....J.
(J.M. PANCHAL)

NEW DELHI,
MAY 13, 2009.