

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5343 OF 2006

[Arising out of SLP(C) No.25716/2005]

SHANKAR RAO

APPELLANT(S)

VERSUS

PRINCIPAL SECRETARY TO GOVERNMENT OF KARNATAKA

AND ORS.

(S)

RESPONDENT

WITH

CIVIL APPEAL NO. 5344 OF 2006

[Arising out of SLP(C) No.15113/2006]

O R D E R

Delay condoned in SLP(C) No.15113/2006.

Leave granted in both the matters.

The appellant in these appeals is a Lecturer in English. He is

working in the second sanctioned post of Lecturer with 16 hours

workload in Akkamahadevi Degree College, Bidar. He was sought to be transferred to S.S. Degree College, Kamalanagar, Bidar, where the workload is for 8 hours. He, in addition, is also required to teach for 8 hours in C.V. College, Bhalki.

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The order of transfer has been questioned on the ground that the appellant could not have been transferred from a full time college to a part-time college. It is not in dispute that the appellant will have to teach in two colleges, for 8 hours a week in each of them. Although both the colleges are said to be under the same management, they are situated at a distance of 30 Kilometers from each other. If an institution is to be treated as a separate establishment, posts must be sanctioned either on a full time basis or on a part time basis therefor but one person cannot be appointed in two institutions. We are thus of the opinion that a person cannot be transferred so as to make him liable to work at two institutions at the same time.

Learned counsel appearing on behalf of the respondents would

submit that the appellant was appointed in S.S. Degree College,

Kamalanagar, Bidar, at a point of time when it was not an aided institution. That may be so, but having regard to the fact that the said institution has also been getting grant in aid from the Government, he cannot be transferred from his present post to his old institution where the workload is only 8 hours although the situation has undergone a change. We therefore set aside the order of transfer of the appellant. We direct the Commissioner of the Collegiate Education, Karnataka, to pass appropriate orders in the light of the observations made hereinbefore.

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We would, however, place on records that the appellant has stated before us that he is ready to work at any college where the sanctioned post is for 16 hours workload and is a full time college. The appeals are allowed accordingly. We expect that the Commissioner, Collegiate Education, Karnataka would take appropriate decision within three months.

.....J

(S.B. SINHA)

.....J

(MARKANDEY KATJU)

NEW DELHI;

NOVEMBER 30, 2006.

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ITEM NO.1

COURT NO.7

SECTION IVA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).25716/2005

(From the judgement and order dated 08/07/2005 in RP No.371/2005 in
WA No.2109/2005 of the HIGH COURT OF KARNATAKA AT BANGALORE)

SHANKAR RAO

Petitioner(s)

VERSUS

PRINCIPAL SECY. TO GOVT.OF KARNATAKA&ORS

Respondent(s)

(With application for exemption from filing O.T. of Annexures and
with prayer for interim relief and office report)

WITH

(A.S. BISHT)

BHARDWAJ)

COURT MASTER

(PUSHAP LATA

COURT MASTER

(Signed order is placed on the file)