

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.481-498/1999

(From the judgement and order dated 15/10/1998 in WP 2644/98,
WP 2505/98, WP 2723/98, WP 2826/98, WP 2827/98, WP 2829/98
WP 2969/98, WP 3000/98, WP 3032/98, WP 3041/98, WP 3127/98
WP 3145/98, WP 2792/98, WP 2793/98, WP 3166/98, WP 3041/98
of The HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH)

STATE OF MAHARASHTRA & ORS.

Petitioner (s)

VERSUS

YOGESH & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 20/11/2000 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. S.S. Shinde, adv.
for Mr. S.V. Deshpande, adv.

For Respondent (s)

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

.....L.....I.....J
.SP2

Leave granted.

The appeals are disposed in terms of the singed
order. No costs.

.SP1
.....L.....T.....J

(Ajay Kr. Jain)
Court Master

(Prem Prakash)
Court Master

(Signed order is placed on the file)

.PA
.....L.....I.....T.....T.....T.....T.....T.....T.....J
.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2000@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP(C) Nos. 481-498 of 2000)

State of Maharashtra & Ors. ...Appellants

VERSUS

Yogesh & Ors. ...Respondents

O R D E R@@
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.....L....I.....T.....T.....T.....T.....T.....T.....T....J
.SP2

Respondents have been served. Even those of the respondents whose admissions were cancelled have been served by publication. However, no one is present for the respondents.

Leave granted.

On 5th of February, 1999, the following order was made:

.....L....I....T.....T.....T.....T.....T.....T...J
.SP1

"Issue notice to all those respondents whose admissions were cancelled, limited to the question whether the Education Officer should personally pay a sum of Rs.2,000/- to each of these students. The petitioner to file a list of such students in the office in the course of the day. There will be an ad interim order staying that part of the direction of the Court which directs the State Government to recover the amounts from the Education Officer."

.....L....I.....T.....T.....T.....T.....T.....T.....T....J
.SP2

We have carefully perused the judgment under appeal. The direction given in para 18 of the judgment at page 56 of ...2/-

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the paper-book relating to payment for compensatory costs of Rs.2,000/- per candidate to those candidates whose admissions were cancelled on 10th August, 1998 reads as follows:

.....L....I....T.....T.....T.....T.....T.....T...J
.SP1

"We are of the view that for all the petitioners, whose admissions were cancelled on 10th August, 1998, the compensatory costs of rupees two thousand per candidate is to be paid by the State Government, which shall be recovered from the Education Officer from his salary or assets. We direct the State Government to deposit this amount in this Court within a period of fifteen days from today."

While, we do not find any justification to interfere with the direction for compensatory costs to be paid by the State Government to the concerned candidates, in our opinion, it was not proper for the High Court to have directed recovery of the amount from the Education Officer "from his salary or assets". The liability of the Education Officer shall have to be determined by holding an inquiry, howsoever brief, and, it is only in the event that the State Government comes to the conclusion, that the Education Officer was personally responsible, that he should be required to reimburse the compensatory costs. Appropriate orders can be made by the State Government only after such an inquiry. The direction for recovery of the amount from the "salary or assets" of the Officer is, therefore, set aside.

...3/-

- 3 -

We dispose of these appeals in the above terms. No costs.

.SP1

.....CJI.

.....J.
(R.C. LAHOTI)

.....J.
(BIRJESH KUMAR)

New Delhi
November 20, 2000.