

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2607 OF 2004
(Arising out of SLP(C) No.20176/2003)

RAKESH KUMAR PANDEY

.....
APPELLANT(S)

:VERSUS:

STATE OF U.P. & ORS.

.....
RESPONDENT(S)

O R D E R

Leave granted.

We have heard the learned counsel for the petitioner and learned counsel appearing for respondent Nos.1, 2 and 3, namely the State of U.P. and other authorities. None appears for the management though served. Mr. S.K. Dhingra, learned counsel is appearing for respondent No.6 - the Principal of the College.

The affidavit which has been filed on behalf of respondent Nos.1, 2 and 3, mainly deals with the question as to whether the petitioner would be entitled to get the salary from the Government or not. Perhaps that aspect of the matter is besides the point raised in this appeal. There is no denial of the fact that the petitioner was appointed by the management. His services have, however, been terminated by the Principal of the College, namely respondent No.6. Nothing could be brought to our notice by reason of which respondent No.6 may be treated to be an authority competent to terminate the services of a teacher even though it may be assumed that the appointment was against the rules. The question of liability of payment of salary of the petitioner is not under consideration before us. It will be for the Government to consider that aspect of the matter, in case any such claim or demand is made by the management and in that eventuality a decision in the matter may be called for according to law.

For the time being, on the face of it the order passed by respondent No.6, namely the Principal of the College, terminating the services of the petitioner is not sustainable. We, therefore, allow the appeal and set aside the order of termination dated 17.7.2003 passed by respondent No.6.

.....J
(BRIJESH KUMAR)

.....J
(ARUN KUMAR)
NEW DELHI;
APRIL 19, 2004.

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.20176/2003

(From the judgement and order dated 03/09/2003 in WP 1187/03
of The HIGH COURT OF U.P. AT LUCKNOW)

RAKESH KUMAR PANDEY

Petitioner (s)

VERSUS

STATE OF U.P. & ORS.

Respondent (s)

(With Appln(s). for directions and with prayer for interim relief)

Date : 19/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

Mr. K.B. Rohtagi,Adv.

For Respondent (s)

Mr. S.K. Dhingra,Adv.

Ms. Niranjana Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(A.S. BISHT) (S. MALKANI)

COURT MASTER

ASSISTANT REGISTRAR

[Signed order is placed on the file]