

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

Petition(s) for Special Leave to Appeal (Civil) No(s).2 1 4 1 4 / 2 0 0 8

(From the judgement and order dated 1 4 / 0 8 / 2 0 0 8 in W P No. 1 0 7 9 / 2 0 0 8 of the HIGH COURT OF JUDICA TU R E AT AL LA B A H A D , B E N C H AT LUC K N O W)

MAHI L A VID Y A L A Y A P O S T G R A D . C O L L E G E & A N R .
ner(s)

Petitio

VER SUS

STA T E O F U . P . & A N R .

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief)

Date: 0 8 / 0 9 / 2 0 0 8 This Petition was called on for hearing today.

CORA M :

HON' B L E MR. JUS T I C E R . V . RAV E E N D R A N
HON' B L E MR. JUS T I C E DA L V E E R BHA N D A R I

For Petitioner(s) Mr. M.N. Krishn a m a n i, Sr. Adv.
Mr. Sha kil Ahmed Syed, Adv.
Mr. Asim Chandra, Adv.
Mr. Rakesh Srivastava, Adv.
Mr. Syed Ahmad Saud, Adv.

For Respondent(s) Mr. Kaila s h Vasdev, Sr. Adv.
Mrs V.D. Kh an n a, Adv.

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

1 Heard Mr. M.N. Krishn a m a n i, learned senior counsel for the
petitioner and Mr. Kaila s h Vasdev, learned senior counse
for
respondent No.2.

2. By order dated 3 0 . 1 0 . 2 0 0 6 , the Vice Chancellor r
efused
approval for the order dated 1 0 . 4 . 2 0 0 5 passed by the President of the
first petitioner college, termin ating the

services of the second respondent. The petitioners challenged the said
order in W. P . 1 5 2 1 / 2 0 0 6 . The petitioners also challenged the order of
the Chancellor dated 2 8 . 2 . 2 0 0 6 in pursuance of which the Vice
Chancellor had passed the order dated 3 0 . 1 0 . 2 0 0 6 , in another writ

petition - W. P . No.2 8 2 / 2 0 0 6 .

3. The petitioners have not been able to obtain stay of the order of the Chancellor or Vice Chancellor. What is challenged in this Court is only the consequential order of the government dated 1.8. 2 0 0 8 which directs implementation of the order dated 3 0. 1 0 . 2 0 0 6 . So long as the order dated 3 0. 1 0 . 2 0 0 6 of the Vice Chancellor is not stayed, obviously the second respondent has to be reinstated.

4. Learned counsel submitted that the pendency of W. P . No.2 8 2 / 2 0 0 6 and W. P . No.1 5 2 1 / 2 0 0 6 is a ground for not reinstating her. Learned counsel for the petitioners also submitted that they have difficulty in reinstating the second respondent as there is already another Principal. He, therefore, prayed that the direction of the State Government to reinstate the second respondent be stayed, assuring that the first petitioner will pay unconditionally from its own funds, without claiming reimbursement from the State

-3 -

IT E M NO.2 9 COURT NO.1 0 DAT E D 8.9. 2 0 0 8contd.

Government, the full salary payable to the second respondent from 1.8. 2 0 0 8 . He further submitted that the second respondent may receive the salary without prejudice and the school will not claim refund of the salary so paid irrespective of the decision in the pending writ petitions.

5. If the second respondent is paid the full salary and the second respondent is permitted to receive it without prejudice, stay of reinstatement will not prejudice her. In view of the above, we feel that the direction for reinstatement of second respondent need not be implemented by the petitioners pending decision in W. P . No.2 8 2 / 2 0 0 6 and W. P . No.1 5 2 1 / 2 0 0 6 , subject however to payment of salary regularly from 1.8. 2 0 0 8 as assured. The salary payable to the second respondent shall be deposited/remitted to the bank account of the second respondent directly on or before tenth day of every month. The

above arrangement is without prejudice to the rights of the second respondent.

6. This SL P is disposed of accordingly. We request the High Court to expedite the hearing of W. P . No.2 8 2 / 2 0 0 6 and W. P . No.1 5 2 1 / 2 0 0 6 .

(Ravi P. Verm a)
Court Master

(Anand Singh)
Court Master