

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 7144 OF 2008
[Arising out of SLP(C)No.2989 of 2007]

JAMES PHILIP ... Appellant(s)

Versus

FR.CA. POULOSE & ORS ... Respondent(s)

ORDER

Leave granted.

The appellant was appointed in the school in question in the year 1986 and has worked in the school purportedly in the post of Assistant Teacher all through out. It has been submitted on behalf of the respondents that such appointment had been made despite the fact that there were only four vacancies available and the appellant's appointment was the fifth appointment. Be that as it may, it now transpires that there is one vacancy which has arisen in the Higher Secondary school for the post of Assistant Teacher.

Having heard learned counsel for the respective parties, we dispose of the appeal by directing that the appellant's service from 1986 onwards till the vacancy arose should be treated as an appointment as Upper Primary School

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Assistant. Thereafter, he may be adjusted against the vacancy which has arisen and his services may be continued in the post as School Assistant with effect from 2004 with continuity of service.

There will be no order as to costs.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKANDEY KATJU)

New Delhi,
December 05, 2008.
ITEM NO.54

COURT NO.7

SECTION XIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2989/2007
(From the judgement and order dated 28/02/2005 in WA No. 207/2005 & RP
No. 361/2005 of The HIGH COURT OF KERALA AT ERNAKULAM)

JAMES PHILIP

Petitioner(s)

VERSUS

FR.CA. POULOSE & ORS

Respondent(s)

(With prayer for interim relief and office report)
(for final disposal)

Date: 05/12/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. C.S. Rajan, Sr.Adv.

Mr. Dilip Pillai, Adv.

M/S. T.T.K. Deepak & Co., Advs.

For Respondent(s)

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Mr. George Kurian, Adv.

Mr. A. Raghunath, Adv.

Mr. G. Prakash, Adv.

UPON hearing counsel the Court made the following

ORDER

Leave granted.

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

There will be no order as to costs.

(Sheetal Dhingra)

(Juginder Kaur)

Court Master

Court Master

[Signed order is placed on the file]