

The Correspondent and Ors. Etc. Vs. A.m.sankey John and Anr. Etc.

The Correspondent and Ors. Etc. Vs. A.m.sankey John and Anr. Etc.

SooperKanoon Citation : sooperkanoon.com/1192993

Court : Supreme Court of India

Decided On : Dec-11-2017

Judge : Hon'Ble Mr. Justice Kurian Joseph, Hon'Ble Mr. Justice a.M. Khanwilkar

Appeal No. : 16436 / 2010

Appellant : The Correspondent and Ors. Etc.

Respondent : A.m.sankey John and Anr. Etc.

Advocate for Def. : Romy Chacko

Advocate for Pet/Ap. : R. Chandrachud

Judgement :

1 NON-REPORTABLE IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL NOS. 10506-10510 OF 2011 THE CORRESPONDENT, SCHAFFTER HIGHER SECONDARY SCHOOL, TIRUNELVELI AND ORS. ETC. Appellant (s) VERSUS A. M. SANKEY JOHN AND ANR. ETC. Respondent(s)

JUDGMENT

KURIAN, J.

1. The appellants are before this Court, aggrieved by the Judgment and order dated 26.03.2010 passed by the Madurai Bench of the High Court of Judicature at Madras in W.A.(MD) Nos. 253, 254, 375, 376 and 377 of 2009. The Division Bench entered a finding that the termination of the private respondents was bad in law being in violation of the principles of natural justice.

2. During the pendency of the appeals before us, pursuant to our specific order dated 23.11.2017, the District Education Officer, Tirunelveli, has passed an order dated 04.12.2017 holding that the appointing authority was not competent to appoint the private respondents and hence, no approval can be granted in the case of those appointments. Though, no separate orders are passed in the case of the two remaining 2 private respondents, we take it that same is the stand taken by the District Education Officer and the same is their fate as well. Since there were several questions regarding the right to appointment, promotion, approval etc. before the High Court and since the High Court has finally limited the consideration to only the principles of natural justice, we are of the view that the matter, in view of the intervening developments of the District Education Officer rejecting the approval, needs to be sent back to the High Court. In order to avoid another round of litigation, we grant liberty to the private respondents to challenge the validity of the order dated 04.12.2017 passed by the District Education Officer, Tirunelveli, in the pending writ appeal(s).

3. The learned counsel appearing for the State submits that the fate of the two other persons namely, S. Arun Arockiaraj and Suganthi Selvakumari, is also the same as in the order dated 04.12.2017. Therefore, we make it clear that in their cases also, the order dated 04.12.2017 shall be treated as an order rejecting their approval as well and hence, it will be open to those two teachers also to amend their pleadings in the writ appeal(s) before the High Court. Accordingly, these appeals are disposed of 3 setting aside the impugned Judgment and remanding the matter back to the High Court for consideration afresh. It will be open to both the sides to take all available contentions before the High Court. We request the High Court to go into the validity of the order dated 04.12.2017 passed by the District Education Officer.

4. Being an old matter, we request the High Court to dispose of the writ appeal(s) expeditiously and preferably before the end of this academic year. Needless to say, the question as to who is the competent authority will also be gone into by the High Court. New Delhi; December 11, 2017.J.

[KURIAN JOSEPH].J.

[A.M. KHANWILKAR]. 4 ITEM NO.301 COURT NO.5 SECTION XII S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Civil Appeal No(s). 10478-10498/2011 Appellant(s) Respondent(s) THE SECRETARY/CORRESPONDENT, ST. JOHN'S COLLEGE AND ANR. ETC. VERSUS DR. S.WILSON AND ORS. ETC. WITH C.A. No.10506-10510/2011 (XII) C.A. No.2353-2355/2017 (XII) Date :

11. 12-2017 These appeals were called on for hearing today. CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH HON'BLE MR. JUSTICE A.M. KHANWILKAR Mr. V. Prabhakar, Adv. For Appellant(s) Mr. R. Chandrachud, AOR Ms. Jyoti Parasher, Adv. Mr. N. J.

Ramchander, Adv. Ms. Litta Sreenivasan, Adv. Mr. J.

B. Ravi, Adv. Mr. Balaji Srinivasan, AOR Mr. Romy Chacko, AOR Mr. Shubham Singh, Adv. Mr. K. v. Vijayakumar, Adv. Mr. M. Yogesh Kanna, AOR Mr. Seshatalpa Sai Bandaru, AOR UPON hearing the counsel the Court made the following

ORDER

C.A. No.10506-10510 of 2011 (School Teachers' case) For Respondent(s) The civil appeals are disposed of in terms of the signed non-reportable Judgment. Pending Interlocutory Applications, if any, stand disposed of. 5 Civil Appeal No(s). 10478-10498/2011 and C.A. No.2353-2355/2017 (College Teachers' case) In view of the Judgment which we have passed above in Civil Appeal Nos. 10506-10510 of 2011, whereby we have remitted the appeals back to the High Court as far as the teachers of the school are concerned, we feel it appropriate to defer the Judgment in the case of college teachers till the High Court disposes of the writ

appeal(s) in terms of the Judgment passed above. Ordered accordingly. We make it clear that the pendency of the appeals in the case of college teachers shall not stand in the way of the High Court entering an independent finding, uninfluenced by the stand taken by the High Court in the impugned judgment. (JAYANT KUMAR ARORA) (RENU DIWAN) COURT MASTER ASSISTANT REGISTRAR (Signed non-reportable Judgment in Civil Appeal Nos. 10506-10510 of 2011 is placed on the file)

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com