

Itwari Shikshan Sanstha

Vs

Director of Education and Others

Civil Appeal No. 1312 of 1979

(V.R. Krishna Iyer, R.S. Pathak, O. Chinnappa Reddy JJ)

05.12.1979

JUDGMENT

KRISHNA IYER, J. –

1. Dr. Ghatate appearing for the appelland contended that the teacher (respondent 3), who had been directed to be reinstated by the Deputy Director of Education should not have been so reinstated. He further contended that the Deputy Director had no jurisdiction to order such reinstatement. The dismissal which was set aside by the Educational Authorities in appeal was on certain charges, only one of which was stated to have been proved and the charge was that the teacher had gone on fast for a few days. The Deputy Director and the Director, therefore, cancelled the dismissal and directed reinstatement. This order was challenged in the High Court under Article 226 but the appeal was dismissed in limine.

2. We have heard the arguments of counsel but we do not think that this is a case where any substantial question of law calls for decision specially having regard to the charge for which the dismissal has been imposed. We are satisfied that this is case where we are not called upon to decide any question of law.

3. We, therefore, dismiss the appeal and this means that the teacher (respondent 3) will stand reinstated and be eligible for his salary right from the date of dismissal. Dr. Ghatate complains that the State makes a grant which covers the salaries of teachers and if respondent 3 was to be paid the entire salary, the grant will not be available to that extent for other expenses. While the State has no direct liability, it is perfectly open to the appelland management to move the State Government for recouping the grant equivalent to the teacher's salary. In view of the changed circumstances and direction for reinstatement with back pay, the State will consider the equities of the situation regarding the claim of the management. With these directions we dismiss the appeal.

4. Respondent 3 is allowed his costs quantified at Rs. 1000 and that amount will be withdrawn by respondent 3 out of the amount in deposit.

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