

All Saints High School and Another

Vs

Director of School Education and Others

Civil Appeal No. 3315 of 1981

(CJI Y.V. Chandrachud, D.A. Desai JJ)

09.12.1981

ORDER

1. Mr Nariman who appears on behalf of the appellants says that the High Court has perhaps passed the impugned order dated November 20, 1981 under a misapprehension. We are not quite sure whether Mr Nariman is justified in making this submission because we are informed that the High Court passed its order in open court in the presence of both the counsel. All the same, we see no objection to the High Court disposing of the writ petition without awaiting the judgment of the Director in appeal, especially in view of the fact that Mr Nariman says that the main question which he wants to urge is that the Director has no jurisdiction to entertain and hear the appeal against the order of dismissal passed against the teachers. Mr Nariman says that the question of jurisdiction of the Director to entertain the appeal can be disposed of by the High Court in the writ petition pending before it and that the appellants do not want to argue the appeal before the Director at all. We, therefore, direct that the High Court may dispose of the petition without awaiting the result of the appeal which is pending before the Director. The High Court seems to have fixed January 20, 1982, as the date for hearing the appeal. We hope that it will be able to take up the matter on that date.

2. Nothing said by us in this Order may influence the judgment of the High Court on the merits of the case.

3. The interim order of the High Court regarding payment of a part of the salary to the teachers with effect from July 1, 1981 will stand undisturbed.

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