

Kanya Mahavidyalaya Degree College and Others

Vs

Smt. Savitri Tripathi and Others

Civil Appeal No. 2735 of 1980

(K. N. Singh, K. Jagannatha Shetty, Kuldip Singh JJ)

17.01.1989

ORDER

1. This appeal is directed against the judgment and the order of the High Court dated July 31, 1979 dismissing the second appeal preferred by the appellants against the judgment and the order of the first appellate court.
2. The respondent was employed as a teacher in the appellants' degree college. Her services were terminated by an order dated March 20, 1964. The Vice-Chancellor of the University of Agra to which the appellants' college was affiliated refused to grant approval to the order of termination. Even though the order of termination was not approved by the Vice-Chancellor, the appellants did not permit the respondent to join her duties. The respondent thereupon filed a suit for injunction and declaration that she continued in the service of the College. The trial court granted injunction but refused to grant declaration. On appeal by the respondent, the first appellate court granted declaration in favour of the respondent holding that since the order of termination was disapproved by the Vice-Chancellor the respondent stood confirmed in her service in terms of clause (8) of Statute 30 of Chapter XVIII of the Agra University Hand Book. On a second appeal preferred by the appellants, the High Court upheld the view taken by the first appellate court. Hence this appeal.
3. After hearing learned counsel for the appellants, we are of the view that the High Court has rightly held that where the action or decision of the Committee of Management was expressly disapproved by the Vice-Chancellor, the notice of termination served on the teacher was rendered nugatory, as a consequence thereof, the respondent-teacher became confirmed in her appointment ipso facto by the mere efflux of time. Having regard to the provisions of Statute 30(8) of Chapter XVIII of the Agra University Hand Book, we fully agree with the view taken by the High Court. We see no infirmity in the impugned order. We accordingly, dismiss the appeal. There will be no orders as to costs.

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