

SUPREME COURT OF INDIA

Abani Mahato

Vs

Kanchan K. Sinha

(B.N. Kirpal and S. S. Quadri JJ.)

17.04.2000

ORDER

B.N. KIRPAL, J.

1. Special leave granted.

2. The appellant as well as the respondent No. 1 had appeared for an interview for selection to the post of Assistant Teacher. Panel was prepared in which the appellant was placed at SI. No. 1 and respondent No. 1 who is the son of the Head Master was placed at SI. No. 2. The said son then filed a writ petition without impleading the appellant as a party and the writ petition was allowed. Communication of the same was sent to the appellant herein by the Counsel for respondent No.1 and in the letter the appellant was informed that the panel which had been prepared by the Selection Committee pursuant to the interview held on 21st August, 1997 had been quashed on the ground that it was not prepared on that day but was prepared on a subsequent date.

3. The appellant herein then filed an appeal. The appeal was dismissed on the ground that the name of the appellant had not been sponsored by the Employment Exchange.

4. Learned Counsel for the appellant has drawn our attention to the legal decision of this Court in Kishore K. Pati v. District Inspector of Schools, Midnapore and Ors. (C.A. No. 5 of 2000) dated 10th January, 2000 in which it has been held that it was not necessary that the name should have been sponsored by the Employment Exchange. Be that as it may, what is important in the present case is, that the appellant herein had been directed by the High Court in an earlier proceeding to be considered for appointment and be interviewed. That judgment of the High Court dt. 7.8.1997 was not challenged and had become final. This being so, the selection which was made should not be quashed. We allow these appeals, set aside the decision of the Single Bench and the Division Bench of the High Court and direct the respondents to take further proceedings pursuant to the panel which had been constituted by the Selection Committee. It is further made clear that the salary to the appellant will be paid only from the day he joins duty pursuant to the orders passed in his favour. Formality be completed within two months. No costs.

