

SUPREME COURT OF INDIA

Kalawati Gupta & Ors.

Vs.

Committee of Management, Balika U.M.Vidyalaya & Ors.

C.A.No.7287 of 2001

(A.K. Mathur and Altamas Kabir, JJ.)

24.01.2008

ORDER

1. This appeal is directed against the order passed by the learned Single Judge of the High Court of Allahabad setting aside the interim order passed by the trial court under Order 39, Rule 1 of Code of Civil Procedure and confirmed by the First Appellate Court, but set aside by the High Court in writ jurisdiction. The Suit is of 1995 and the basic question that arises for consideration is whether the appellants were appointed by the Committee of Management, Balika Uchchatar Madhyamik Vidyalaya or not. This is not the stage to go into the question whether they will be entitled to salary during this period or not as the first question has to be decided whether they were appointed by the Management in pursuance of the order or not. Therefore, we do not think that these issues can be decided in these proceedings. However, we direct that the trial court should decide the suit within a period of six months from the date of the receipt of copy of this order. This will resolve all controversies involved in this matter. The Trial court may proceed with the matter and decide the same without being influenced by any observation made in any of the orders passed by the courts below. The appeal is accordingly disposed of.