

SUPREME COURT OF INDIA

Regional Engineering College

Vs.

Karan Singh Saini & Ors.

C.A.No.8197 of 2001

(H.K.Sema and Markandey Katju,JJ.)

05.03.2008

ORDER

1. Despite receipt of notice, Respondent No.1 is neither represented by a counsel nor appears in person.
2. Having regard to the facts and circumstances of this case, we propose to dispose of this appeal with a short order.
3. Respondent No.1, Shri Karan Singh Saini, was appointed as Junior Engineer (Civil) on adhoc basis for a period of three months. It appears that respondent No.3, transposed as appellant No.2, was thereafter appointed on regular basis to the same post. Aggrieved thereby, respondent No.1 filed a writ petition which has been allowed by the impugned order of the High Court. The High Court was of the view that the appointment of appellant No.2 was not made in accordance with the rules and the High Court directed fresh advertisement for the post by announcing it through radio/television, publishing it in newspapers of wide circulation and by sending requisition to the Employment Exchange. On this ground, the appointment of appellant No.2 was set aside.
4. We are unable to agree with the reasoning of the High Court. It appears that the appointment of appellant No.2 on regular basis has been made by following the procedure contained in Rule 11(1) of Non-Teaching Staff Service Rules, 1984.
5. In the view that we have taken, the High Court fell in error in setting aside the appointment of appellant No.2.
6. The order of the High Court is set aside.
7. This appeal is allowed. No costs.