

SUPREME COURT OF INDIA

Shubham Bahuuddeshiya Shikshan Sanstha Waddhamana

Vs.

Education Officer, Nagpur

C.A.No.3380 of 2008

(S.B. Sinha and Lokeshwar Singh Panta JJ.)

30.04.2008

ORDER

1. Leave granted. Having heard the learned counsel for the parties, we are of the opinion that interest of justice would be subserved if this appeal is disposed of with the following directions: (1) The respondent No.3 shall continue to work in the school in question till an appropriate order of transfer is passed posting him to any other school. Such an order may be passed keeping in view the existing vacancy and/or as and when such vacancy occurs. (2) Respondent No.2, if not working in the school in question, shall be reinstated forthwith in terms of the order passed by the School Tribunal. He shall be paid the back-wages with effect from the date of order passed by the School Tribunal in his favour but he may not be paid any back-wages for the period 1993 to 2002. We are passing this order keeping in view the undertaking given by him before the High Court of Judicature at Bombay in Writ Petition No.355/2004. The appeal is disposed of with the aforementioned directions.