

SUPREME COURT OF INDIA

Asha Education Society

Vs.

Nandkishore Shrikrishna Wankhedkar

C.A.No.6485-6486 of 2008

(Kurian Joseph and R.F.Nariman,JJ.,)

09.08.2017

JUDGMENT

Kurian Joseph,J.,

1. The appellant-Management approached this Court with certain grievances regarding the direction issued by the Tribunal, as affirmed by the High Court, for reinstatement with back wages of the teachers under the Management.
2. According to the appellants, the appointment was on an year-to-year basis since there was no recognition of the course from the competent authority.
3. The learned counsel for the respondent-teachers submits that the termination is against Section 5(2) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.
4. It is seen from the facts that it was not a case of appointment against the permanent vacancies. Even according to the State, the vacancies arose only on a year to year basis and in the case of the appellants' institution and few other schools, it was started on an experimental basis. As they were not able to continue the course on permanent basis, the course was de-recognized on 22.03.2000. Therefore, after that year, no recognition was given and consequently, there was no appointment, since there was no course.
5. Be that as it may, we are informed that after a break of six years, the teachers have been accommodated in some other schools and what survives is only the question, at best, of back wages for the said period.
6. This claim for back wages has to be appreciated in the background of the appointment order. The appointments were made on year to year basis since the recognition was on year to year basis and the course was discontinued also. Therefore, the maximum the teachers can

pray for, in the facts and circumstances of the case, is back wages for the year before the completion of which they were terminated.

7. These appeals are, hence, disposed of with a direction to the appellants to pay the salary and other benefits as should have been available to the teachers for the remaining period of the academic year in which they were terminated.

8. No costs.