

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3544-3545 OF 2010
(Arising out of SLP(C) Nos.28100-28101/2008)

KU. KUNDA MOTIRAM BODALKAR

Appellant(s)

:VERSUS:

SWAMI VIVEKANAND SHIKSHAN SANSTHA & ORS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Heard counsel for the appellant and the contesting respondent no.4. Also heard counsel representing the State of Maharashtra. Counsel appearing on behalf of respondent No.6 is supporting the claim of the appellant.

The dispute in this case relates to the appointment of the Headmistress of Sant Shivram Maharaj Madhyamik Vidyalaya, Bhandara, which is a recognized

secondary school run by Swami Vivekanand Shikshan Sanstha, respondent no.1. The appellant was appointed as Headmistress of the school by respondent No.6 in the year 2004. Admittedly, prior permission for her appointment was not obtained from the competent authority and that alone is the reason for which the High Court found the appointment illegal and struck it down.

It is undeniable that the appointment of the appellant as the Headmistress was made on the basis of an advertisement. It is also clear that at that time no other teacher in the school was eligible to be appointed as Headmistress. It is also not denied that later on the appellant's appointment was approved by the competent authority. We were also told that since her appointment the appellant is working as the Headmistress in the school.

Learned counsel appearing for the State admitted that apart from the fact that there was no prior permission for the appointment, there is no other irregularity in the appellant's appointment as Headmistress.

In those facts, we are of the view that the High court was in error in interfering in the matter and setting aside the appellant's appointment.

We, accordingly, set aside the High Court order and confirm the appellant's appointment to the post of Headmistress.

The appeals stand allowed accordingly.

.....J
(AFTAB ALAM)

.....J
(K.S. RADHAKRISHNAN)

New Delhi;
April 20, 2010.

