

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 11331 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 5334 OF 2018]

SURESH MANI

Appellant (s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. This is a case where the appellant has been struggling for approval as a Science Teacher ever since 1986 under Respondent No. 5 - School. There is no dispute that there was sanction for the subject of Science. But, as rightly pointed out by the learned Additional Advocate General appearing for the State, there was no sanction for the post of Science Teacher. We fail to understand that having sanctioned the subject in a school, how can the Department deny the sanction of a post of teacher. The very purpose of sanctioning a subject is to have said subject taught in the school, for which a teacher is obviously required.

3. Be that as it may, the fact remains that the appellant was considered for the selection grade in

the year 2003, as can be seen from the communication dated 25.09.2003 of the District Inspector of School, Deoria. Therefore, the technical objection regarding sanction of post also fades into insignificance. Though we agree with the learned Additional Advocate General for the State that there was no sanction for the post, which was a statutory requirement, having regard to the peculiar facts of this case, we are of the view that the appellant should be deemed to be appointed as a regular Science Teacher, in view of the proposal made in 2003 for selection in the grade. Ordered accordingly. The appeal is, hence, allowed.

4. The appellant shall be deemed to be a duly appointed teacher for all purposes. We make it clear that this Judgment is passed in the peculiar facts of this case and therefore, shall not be treated as a precedent. All consequential benefits arising out of the impugned Judgment shall be disbursed to the appellant within a period of three months from today.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[HEMANT GUPTA]

New Delhi;
November 26, 2018.