

CASE NO.:
Appeal (civil) 4224 of 2006

PETITIONER:
VIDYAVARDHAKA SANGHA & ANR.

RESPONDENT:
Y.D. DESHPANDE & ORS.

DATE OF JUDGMENT: 21/09/2006

BENCH:
Dr.AR.LAKSHMANAN & TARUN CHATTERJEE

JUDGMENT:
J U D G M E N T
(Arising out of SLP(C) No.16412 of 2005)

CIVIL APPEAL NO.4225 OF 2006
(Arising out of SLP(C) No.16418 of 2005)

VIDYAVARDHAKA SANGHA & ANR.

.....APPELLANT(S)

VERSUS

S.K. JOSHI & ORS.

.....RESPONDENT(S)

Dr.AR.LAKSHMANAN, J.

Leave granted.

Heard Mr.S.N.Bhat, learned counsel appearing on behalf of the appellants and Mrs.K.Sarada Devi, learned counsel appearing on behalf of the respondents.

Civil Appeal No.4224/2006 arising out of SLP(C) No.16412 of 2005 and Civil Appeal No.4225/2006 arising out of SLP(C) No.16418/2005 were filed against the final common judgment dt.15.6.2005 of the Division Bench of the High Court of Karnataka at Bangalore in Writ Appeal Nos.2807/2002 and 2808/2002. We have also perused the judgment in these appeals and also the appointment order and other relevant records. The appointment order appointing the respective respondents herein clearly show that the respondents were appointed in the prescribed scale on temporary basis for the academic year ending on 31st March, 1993 and subject to the approval by the Education Department. The appointment order further states that the services of the temporary employees may be terminated by the management at any time without assigning any reason and without giving any prior notice. This appointment order was issued to Y.D.Deshpande (respondent No.1 in SLP(C) No.16412/2005). Another appointment order was issued by the management pursuant to the Resolution of the management in its meeting dt.11.08.1991. The respondent No.1 in SLP(C) No.16418/2005 (S.K.Joshi) was appointed as Assistant Teacher in the school in question on consolidated salary of Rs.400/- per month and on contract basis. The appointment order also further states that the appointment was upto the end of academic year 10.4.1992. It is not in dispute that when the approval of the Government was sought the Government did not approve the appointment for the additional post. It is also not in dispute that the appellants' institution is run on the basis of grant-in-aid by the Government. The services of the respondents were terminated in the year 2001 and the respondents without

availing the alternative remedy available under the law straightway filed the Writ Petitions in the High Court which were allowed by the learned Single Judge and also on appeal by the management the same was affirmed by the Division Bench of the High Court.

It is now well-settled principle of law that the appointment made on probation/ad hoc basis for a specific period of time comes to an end by efflux of time and the person holding such post can have no right to continue on the post. In the instant case as noticed above, the respective respondents have accepted the appointment including the terms and conditions stipulated in the appointment orders and joined the posts in question and continued on the said post for some years. The respondents having accepted the terms and conditions stipulated in the appointment order and allowed the period for which they were appointed to have been elapsed by efflux of time, they are not now permitted to turn their back and say that their appointments could not be terminated on the basis of their appointment letters nor they could be treated as temporary employee or on contract basis. The submission made by the learned counsel for the respondents to the said effect has no merit and is, therefore, liable to be rejected. It is also well-settled law by several other decisions of this Court that appointment on ad hoc basis/temporary basis comes to an end by efflux of time and persons holding such post have no right to continue on the post and ask for regularisation etc.

For the foregoing reasons, the Civil Appeals stand allowed and the judgments passed by the High Court in Writ Appeal Nos.2807/2002 and 2808/2002 and in Writ Petitions are set aside. No costs.