

Kumari Shobha Rani Karanwal vs State Of Uttar Pradesh And Ors. on 27 July, 1984

Equivalent citations: 1984(2)SCALE114, (1984)4SCC294, 1985(17)UJ57(SC), AIRONLINE 1984 SC 3, 1982 (3) SCC 511, 1984 SCC (L&S) 702, 1984 (4) SCC 294, (1984) 10 ALL LR 574

Bench: D.P. Madon, V. Balakrishnan Eradi, V.D. Tulzapurkar

Order

1. Writ Petition No. 1687 of 1981 in which the above Civil Miscellaneous Petition has been taken out was heard by us along with Civil Appeals Nos. 694 of 1980 etc., Prabodh Verma and Ors. etc. v. State of Uttar Pradesh and Ors. etc. and Writ Petitions Nos. 1221 to 1229 of 1979 etc., Dal Chand and Ors. etc. v. State of Uttar Pradesh and Ors. etc. All these matters, including the above Writ Petition, have been disposed of by us by a common judgment delivered today. In accordance with this judgment, the Petitioner will be entitled to continue in service and to be confirmed in the post to which she was appointed in the Vaidita Kanya Inter College, Dadri, District Ghaziabad, with effect from the date on which she would have been confirmed in the normal and usual course. She will thus be entitled to be paid her salary on this basis in accordance with the provisions of the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and Other Employees) Act, 1971 (U.P. Act 24 of 1971), and the other relevant law on the subject. We direct that the arrears of salary, if any, due to the Petitioner on the above basis shall be paid to her by the management of the said college within a period of one month from today. In case the management fails to pay such arrears or any part thereof to the Petitioner within the time specified above, the State Government shall pay the same to the Petitioner within one month of the aforesaid period. The amount so paid by the State Government as also any amount which the State Government has paid or made available to the management of the said college towards payment of such arrears and the amount paid by the management shall be adjusted between the] management and the State Government in the proportion in which they were bound under the law to pay the salary of teachers in the recognized institutions. If as a result of such adjustment, any amount becomes payable by the management of the said college to the State Government, the State Government shall be entitled to recover the amount from the management by having recourse to all or any of the modes and remedies open to it under the law

2. We accept the unqualified apology tendered by the Fifth Respondent, namely, the Committee of Management of the said college, and refrain from taking any action in contempt either against any of the members of the Committee of Management or the Principal of the said college.

3. The Fifth Respondent will pay to the Petitioner the costs of this Civil Miscellaneous Petition.