

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4395 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 15093 OF 2014)

JAI LATA PANDEY

...APPELLANT(S)

VERSUS

STATE OF BIHAR & ORS

...RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant was appointed on 27.08.2003 as Shiksha Mitra (friendly teacher) on contractual basis. After several years of working, she was terminated from service on the ground that she failed to acquire intermediate qualification. According to the learned counsel for the appellant she obtained *Sahitya Bhushan* in Hindi Vidyapeeth Deoghar which was an equivalent qualification. This plea has not been accepted by the High Court.

It is not necessary to go into the question of validity of the qualification in view of the fact that the appellant has worked for several years and also having regard to the nature of job to be performed.

We, therefore, direct that the appellant be continued in service. The appellant has undertaken to acquire the requisite qualification within a period of three years from today in terms of the Rules which will be

the condition precedent for her continuance. It is also stated that though the appellant has worked, she has not been paid dues for some period. On filing of proof of actual working by the appellant, the respondent(s) will pay the salary to the appellant for the period she worked. She will not be entitled to salary for the period she has not actually worked.

The appeal is, accordingly disposed of. No costs.

Pending application(s), if any, shall also stand disposed of.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
22nd MARCH, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.8

COURT NO.12

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15093/2014

(Arising out of impugned final judgment and order dated 25/02/2014 in LPA No. 628/2013 passed by the High Court Of Patna)

JAI LATA PANDEY

Petitioner(s)

VERSUS

STATE OF BIHAR & ORS

Respondent(s)

(with appln. (s) for directions and exemption from filing O.T. and interim relief and office report)

Date : 22/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Gaurav Agrawal, Adv.

For Respondent(s) Mr. Abhinav Mukerji, Adv.
Mrs. Bihu Sharma, Adv.
Ms. Purnima Krishna, Adv.
Mr. Siddharth Garg, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master