



run by the petitioner, a Selection Committee was constituted, which gave its recommendations on 18.02.2004. According to the Selection Committee, candidate at Sl. No.1 was one Samana Zaidi, who is respondent No.3 in the present petition while Respondent No.4; Kaneez Fatima was placed at Sl.No.2.

The matter was considered by the Managing Committee of the petitioner in its meeting dated 20.02.2004 which resolved to appoint Samana Zaidi as Assistant Teacher in the school run it.

The proposed appointment of Samana Zaidi to the post of Assistant Teacher was initially approved by the concerned authority which led to series of litigations including the claim raised by Kaneez Fatima(at Sl.No.2). All the rival claims were considered by the Single Judge of the High Court, who by his order dated 02.02.2006 directed as under:

"In view of these facts the very selection and recommendation for appointment of Smt. Samana Zaidi by the management of the Institution vide resolution dated 20.02.2004 is illegal and void, consequent approval/appointment by D.I.O.S. would also be illegal and in this circumstances of the case, the same is liable to be quashed.

The appointment of the petitioner Samana Zaidi petitioner of Writ Petition No. 7828 (S/S) of 2004 was against the provision of the Act of 1921, as well as against the regulations which framed thereunder, she was not entitled for the appointment and in the event of her rejection petitioner of Writ Petition No. 6362 (S/S) of 2004 would have become entitled for appointment, in view, of provision of Section 16-E (7) of the Act."

In a further challenge raised by way of an appeal at the instance of the Managing Committee, the order passed by the Single Judge was affirmed by the Division Bench which order is presently

under challenge.

Notice was issued confined to the question whether a direction could be issued by the High Court that Kaneez Fatima (Sl. No.2) be appointed to the post of Teacher or should it not be put to the Managing Committee to consider making an appropriate appointment.

The facts on record indicate that the entire select list pursuant to the recommendations made by the Selection Committee was with the Managing Committee. At no stage, any objection was raised either to the candidature of Kaneez Fatima (Sl. No.2) or to the fact that she was not otherwise entitled to be in the zone of consideration. The Statute indicates that if for any reason the candidate higher in the selection list is not appointed, the claim of the next candidate in the list must be given adequate consideration.

Considering the fact and circumstances on record, in our view, the direction issued by the Single Judge as affirmed by the Appellate Court was quite correct and does not call for any interference.

In the circumstances, it is directed that Kaneez Fatima be appointed to the post of Assistant Teacher in the School run by the present petitioner, within four weeks from today.

With the aforesaid directions, these Special Leave Petitions stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(VIRENDER SINGH)  
BRANCH OFFICER