

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 132 OF 2017  
(Arising out of SLP(C) No. 30117 of 2012)

RAM CHANDRA SAHOO ... Appellant(s)

Versus

STATEE OF ORISSA & ORS. ... Respondent(s)

O R D E R

Leave granted.

This Court in Pabitra Mohan Dash & Ors. Vs. State of Orissa and Ors. 2001 (2) SCC 480 observed as under:

"It is not disputed that with effect from 29.05.1997 Regulation 17 in the Board of Secondary Education has been brought into force which makes it obligatory for every institution to have a Headmaster who must be a Trained Graduate and must have 7 years of teaching experience as a Trained Graduate Teacher. If subsequent to 29.05.1977 any appointment has been made to the post of Headmaster contrary to the aforesaid provisions of the regulation then the said appointment would be invalid appointment and would not confer any right on the appointee. The expression

"approval" used in the second direction in Golakh Chandra Mohanty case is referable to the approval contemplated under rule 8(2) (b) of the Recruitment Rules and, therefore, if there has been an approval by the Director then in such a case the appointment made after the prior approval would not be invalidated. In our considered opinion the conclusion of the Special Bench that an approval of the Inspector is no approval in the eye of law is the correct position, and as such, does not require any interference by this Court."

Thereafter the matter has been considered by the High Court and following the aforesaid decision, the petitions before the High Court were disposed of.

We have heard learned counsel for the parties.

The principle laid down by this Court which has been reiterated in the impugned judgment is not subject matter of any further consideration. The only grievance which has been put forward by learned counsel for the appellant is that within the parameters of the principle laid down by this Court, the facts of the case of the appellant need to be looked into by the concerned authority. According to the appellant, his case is covered within the parameters laid down by this Court but still his claim for continuing as Headmaster and

consequential benefits has been erroneously rejected. Since this aspect has not been gone into in the impugned order without expressing any opinion on merits thereof, we direct the Secretary School & Mass Education Department, Government of Odisha to examine the case of the appellant within three months from the date a copy of the order is received by it. The impugned order will not debar the authority from taking a decision afresh independently. If the appellant is aggrieved by any such order, he can take his remedy in accordance with law.

The appeal is allowed accordingly to the above extent. No costs.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

New Delhi,  
Dated: 5<sup>th</sup> January, 2017.

ITEM NO.35

COURT NO.11

SECTION XIA

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). 30117/2012

(Arising out of impugned final judgment and order dated 15/05/2012 in WP No. 2441/2007 passed by the High Court Of Orissa At Cuttack)

RAM CHANDRA SAHOO

Petitioner(s)

VERSUS

STATE OF ORISSA &amp; ORS.

Respondent(s)

(with appln. (s) for intervention and interim relief and office report)

Date : 05/01/2017 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. Bharat Sangal, Adv.  
Mr. Vidushi Garg, Adv.

For Respondent(s) Mr. Ashok Panigrahi, Adv.  
Mr. Suryadeep Singh, Adv.  
Mr. Santosh Kumar, Adv.  
Mr. Om Swarup, Adv.

For Intervenor: Mr. A.C.Pradhan, Sr. Adv.  
Mr. Rahul Baid, Adv.  
Mr. Saurabh Mishra, Adv.

For Intervenor: Mr. Colin Gonsalves, Sr. Adv.  
Mr. Pratap Kumar Pattanaik, Adv.  
Mr. V. K. Sidharthan, Adv.

State of Odisha: Mr. Ashish Kumar Sinha, adv.  
Mr. Shibashish Misra, Adv.

Mr. R.P.Goyal, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(Shashi Sareen)

AR-cum-PS

(Signed order is placed on the file)

(Veena Khera)

Court Master