
(1994) 04 SC CK 0088

In the Supreme Court Of India

Case No : Civil Appeals Nos. 2277-88 Of 1994

Baseruddin M. Madari and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 04-04-1994

Acts Referred:

Citation : (1995) 4 SCC 111 Supp

Hon'ble Judges : R. M. Sahai, J;B. L. Hansaria, J;A. M. Ahmadii, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. Special leave granted.

2. The learned counsel for the appellants points out that the subject-matter of the present litigation is identical to the one in Writ Petition (C) No. 873 of 1990 and allied matters which came to be disposed of by this court on 29/1/1992 in (Karnataka State Private College Stop-Gap Lecturers" Assn. v. State of Karnataka. The learned counsel for the respondents was not able to point out any distinguishing feature except that in the instant matter the institution concerned is the University whereas in the case relied on they were private colleges; the modus operandi, however, being the same. The difference in the management of the institutions should make no difference. We are, therefore, of the opinion that the decision relied on applies on all fours to the facts of the present case and we must pass an order on the same terms on which the court disposed of the earlier matters. We, therefore, allow these appeals and direct as under:

1. Services of the petitioners/appellants who have worked for three years, including the break till today shall not be terminated and they shall be absorbed in regular vacancies as and when they arise.

2. In the case of Appellant 5 who has since left service, regular appointment has been made and that shall not be disturbed.

The petitioners/appellants other than No. 5 shall be paid salary as is admissible to a teacher appointed on regular basis against a permanent post. They shall also be treated as continuing during vacation and be paid salary accordingly.

3. If there is a provision as to reservation for SC, ST, OBC the respondents will indicate the slot for them and if necessary create additional posts for the petitioners herein, if there is a shortage of post on account of reservation for SC, ST, OBC candidates.

4. There will be no order as to costs.

5. No order on the application for impleading party.