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**(1999) 09 SC CK 0139**  
**In the Supreme Court Of India**  
**Case No : Slp (C) No. 6319 Of 19991**

Vimla Mishra

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

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**Date of Decision :** 06-09-1999

**Acts Referred:**

**Citation :** (2000) 10 SCC 190 : (2000) SCC(L&S) 383

**Hon'ble Judges :** U. C. Banerjee, J;G. B. Pattanaik, J

**Bench :** Division Bench

**Final Decision :** Allowed

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## Judgement

1. Heard Mr Sanyal, learned Senior Counsel for the petitioner and the learned counsel for the respondents. The sole grievance of the petitioner is that even though she was duly appointed as a regular Headmistress and allowed to continue so from 14-11-1986 till 16-11-1997 but erroneously she has been reverted to the post of LD Teacher and on the other hand Respondent 5 had been selected for the post of UD Teacher and has been consequently allowed to remain in charge in the post of Headmistress of the School. From the counter-affidavit it transpires that initially Respondent 5 was allowed to remain as Headmistress-in-Charge from 28-6-1983 till 14-11- 1985; as she was reluctant to continue and take the responsibility of Headmistress, the petitioner was allowed to perform the said duties for which she was being paid the special pay of Rs 25 in addition to her grade pay as LD Teacher. The regular scale of pay available for Headmistress has not been paid to her, at any point of time. It is no doubt true that the petitioner has been performing the duties of Headmistress for quite a long period, but that itself will not confer the right to continue as regular Headmistress of the institution. The Selection Committee which met in 1998 to find out a suitable person for being appointed as regular UD Teacher considered the case of the petitioner as well as Respondent 5, but Respondent 5 was found more suitable to hold the said post. We see no infirmity with the said selection made notwithstanding the fact that the petitioner had been discharging the

duties as Headmistress-in-Charge for a considerable period. We find no infirmity with the order of the High Court dismissing the writ petition filed by the petitioner and the order of the Division Bench in appeal affirming the same. It may be stated that the decision of the Selection Committee promoting Respondent 5 as UD Teacher, in fact, has not been assailed by the petitioner in the High Court and she was merely claiming that she should get the salary of Headmistress for the period she discharged the duty as such.

2. This petition is dismissed accordingly.