

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.1005 OF 2002

302867

State of Orissa & Anr.

... Appellants

v.

Suryamani Das & Anr.

Respondents  
Certified to be true copy

O R D E R

*Asst*  
Assistant Registrar (Judl)

25.8.2002  
Supreme Court of India

The first respondent was appointed as a Lecturer in English in the second respondent college, an aided institution, on 27.10.1986 against the first post admissible for aid during 1986-87. As the said institution was situated in a backward area, the post matured for payment of minimum grant-in-aid on completion of three years and the High Court found that by 1.6.1994, the post had matured for full grant-in-aid. At the time when he was appointed, he was not possessing the qualification for the post as he had secured only 46% marks in the postgraduate degree course. The first respondent improved his marks to 52% in the examination held in December, 1994 (mark-sheet issued on 15.7.1995) and again improved his marks to 55% by taking the examination held in December,

1995 (mark-sheet issued on 16.10.1996) and became qualified. The first respondent filed a writ petition seeking a direction for approval of his appointment and to release grant-in-aid in his favour with effect from his joining date (27.10.1986). The High Court by order dated 30.3.2001 held that as by 1.6.1994, his post had matured for full grant-in-aid and as he became eligible by obtaining the requisite percentage in the examination held in December, 1995 (mark-sheet issued on 16.10.1996), his appointment should be approved and full grant-in-aid should be extended from the date of publication of result in regard to the examination taken in December, 1995. The High Court also directed that the arrears be calculated from that date and paid to the respondent. The said order is challenged in this appeal.

The matter is covered by the decision of this Court in *State of Orissa v. Damodar Nayak* [1997 (4) SCC 560] where this Court held that a candidate appointed to the post of Lecturer without the minimum qualification, has to be admitted to grant-in-aid from the date the candidate obtains the eligibility qualification. Therefore following

the said decision, he is entitled to aid with effect from 16.10.1996, when the mark-sheet was issued showing that he had secured 55% marks in the postgraduate course examination held in December, 1995. We therefore find no error in the order of the High Court, and the appeal is therefore dismissed as having no merit.

*cdk*  
.....J.  
(R V Raveendran)

*cdk*  
.....J.  
(Markandey Katju)

New Delhi;  
March 3, 2009.

URGENT FEE Rs. 5/-

SUPREME COURT OF INDIA

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