

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 1849 OF 2012

DR. T. MURUGAN

Appellant(s)

VERSUS

THE CHAIRMAN NAVODAYA VIDYALAYA  
SAMITI AND ORS.

Respondent(s)

J U D G M E N TKURIAN, J.

1. The appellant is before this Court challenging the order dated 13.06.2008 passed by the High Court of Judicature at Madras in W.P. No. 38815 of 2006.

2. The appellant had approached the Central Administrative Tribunal (in short, "CAT") challenging his termination by the respondent dated 13.06.2003. The appellant started his service in 05.06.1989 as a Teacher in Navodaya Vidyalaya School. In 1998, he became the Vice-Principal of the school. From 2001 onwards, he was serving as the Principal of the school.

3. On allegations pertaining to sexual harassment of a student of Class X, he was put under suspension on 18.12.2002 and after

conducting an inquiry by a three-Member Committee, he was dismissed from service by an order dated 13.06.2003. The CAT set aside the order of termination and directed reinstatement of the appellant with back wages. That order was challenged by the respondent before the High Court. The High Court set aside the order passed by the CAT and upheld the order of termination. Thus aggrieved, the appellant is before this Court by way of special leave.

4. We have heard the learned counsel appearing for the appellant as well as the learned counsel appearing for the respondent extensively. We have also gone through the records. We do not think it necessary to refer to the factual matrix in detail. However, we deem it necessary to refer to one main contention raised by the appellant that his entry to the premises of the student was in the company of a Chaukidar of the School and that too, on getting an information that the student was not appearing for the examination. The allegation is that the appellant tried to sexually harass the student. The Deputy Director held against the appellant and so also

by the three-Member Committee. However, the District Collector ordered a Magisterial Inquiry and in that inquiry, the appellant has been completely exonerated.

5. Whether we should rely on the Magisterial Inquiry or the Inquiry held by the three-Member Committee is one issue, but the fact remains that the regular inquiry under the CCS (Classification, Control and Appeal) Rules, 1965 was dispensed with. We would also like to take note of one special factual position that the student has, in fact, appeared for the examination after the alleged incident. The appellant has a serious grievance that he was not served a copy of the report of the three-Member Committee and, therefore, he did not get an opportunity to challenge the same. These aspects have been discussed at length by the CAT.

6. The High Court, it appears, has taken note of the report prepared by the Deputy Director and has placed heavy reliance on that. But unfortunately, the allegation raised by the appellant that the wife of the Deputy Director was a teacher in a different school under the

Navodaya Vidyalaya Samiti and that the Deputy Director had some motive against the appellant, which he stated in the inquiry before the Committee, has not been noticed.

7. We are informed that the appellant is due to retire on 12.02.2018. We are also informed that there is no Regular Pension Scheme under the Navodaya Vidyalaya Samiti. Though it would have been a case where we should have set aside the whole proceedings and directed the competent authority to start from the stage of furnishing a copy of the inquiry report and give an opportunity for objections and thereafter, hearing etc., having regard to the fact that the appellant is otherwise due to superannuate from service in the next month, we are of the view that this Court should invoke its jurisdiction under Article 142 of the Constitution of India and give a quietus to the whole litigation between the parties, respecting the dignity and protecting the rights of all the parties.

8. Accordingly this appeal is disposed of with the following directions :-

i) On the date of termination i.e. 13.06.2003, the appellant shall be deemed to have voluntarily retired from service.

ii) Till such time, the appellant shall be deemed to be in service for all purposes. The benefits arising from such service upto 13.06.2003 shall be worked out and paid to him with simple interest at the rate of 6% per annum upto 13.06.2003 within a period of three months from today.

iii) In order to work out the relief as above, the Judgment under appeal and the other impugned orders shall stand set aside.

9. We make it clear that this Judgment is passed in the peculiar facts and circumstances of this case and shall not be treated as a precedent.

No costs.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ MOHAN M. SHANTANAGOUDAR ]

New Delhi;  
January 31, 2018.

ITEM NO.19

COURT NO.5

SECTION XII

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

Civil Appeal No(s). 1849 of 2012

DR. T. MURUGAN

Appellant(s)

VERSUS

THE CHAIRMAN NAVODAYA VIDYALAYA SAMITI  
AND ORS.

Respondent(s)

Date : 31-01-2018 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGUDARFor Appellant(s) Mr. M. A. Aruneshe, Adv.  
Ms. Madhu Sikri, AOR

For Respondent(s) Mr. S. Rajappa, AOR

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

The civil appeal is disposed of in terms of the signed  
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)