

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO(S) . OF 2026(ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL) NO(S) . 6539/2024)

KHETRI VIKAS SAMITI & ORS.

A-1: Khetri Vikas Samiti, 4-Ka-24,
Jawahar Nagar, Jaipur (through Secretary)

A-2: Managing Committee,
Vinodiny Post Graduate College,
Khetri, District Jhunjhunu (through Secretary)

A-3: Principal, Vinodiny Post Graduate College,
Khetri, District Jhunjhunu (through Secretary)

Appellant(s)

VERSUS

VIJAY VIR SINGH & ORS.

R-1: Vijay Vir Singh, son of R.K. Singh,
C/38, Kolian Nagar, Khetri,
District Jhunjhunu, Rajasthan

R-2: Director, College Education,
Government of Rajasthan, Gandhi Nagar,
Jaipur, Rajasthan

R-3: State of Rajasthan, through Secretary,
Department of Personnel, Govt. of Rajasthan,
Secretariat, Jaipur, Rajasthan

Respondent(s)

O R D E R

Heard Mr. Shubhranshu Padhi, learned counsel for the appellants and Mr. Harsh Panwar, learned counsel for the respondent No.1.

2. Leave granted.

3. The present appeal arises out of the order passed by the High Court of Rajasthan by which the dismissal of the respondent No.1 has been interfered with and he has been directed to be reinstated with 50% of his back wages.

4. Learned counsel for the appellants submits that appellant No. 1 is the Committee which is running a College which is totally in the private domain, in which respondent No. 1 was initially appointed on contractual basis for a year, which was extended thereafter. It was submitted that despite various lapses on the part of respondent No. 1, an opportunity was given for him to improve, but finding that there was no improvement, a decision was taken to terminate his services, which was in accordance with the terms of his employment, where it was stipulated that if the service is not satisfactory, the same may be terminated without any notice to the employee concerned at any point of time.

5. It was further contended that the Courts below have held that the procedure adopted by the appellants was amenable to the stipulations of the Rajasthan Non-Government Educational

Institutions Rules, 1993 (for short, the "Rules") and the Rules thereunder, especially Rule 30 which mandates that the dismissal of a probationer can be made only with the prior approval of the Government.

6. Learned counsel submitted that the recommendation was made for termination and respondent No. 1 was terminated, but he fairly admits that the approval came later inasmuch as the dismissal by the authorities was dated 26.03.1998, whereas the approval came on 27.08.1998. It was contended that even if for the sake of argument it is accepted that the Rules were applicable, still at best, the consequences which may follow would be that respondent No. 1 would be deemed to continue in service till the date of the approval by the Government, which in actual terms would mean that the appellants would be liable to pay the salary for the said period.

7. It was contended that respondent No. 1 was only on probation, and for almost the last 30 years, he has been out of service. However, he summed up his arguments by taking a stand that the Court may fix a lump sum amount to be paid to the respondent No. 1 in the facts and circumstances of the present case, in lieu of reinstatement.

8. Learned counsel for respondent No. 1 submits that this is a pure case of hostile discrimination and also of bias. It was submitted that for no valid reason, the termination order has been passed, and the manner in which it has been passed also shows that

the appellants do not respect any statutory provisions, though they are bound to do so.

9. It was further contended that even the stand taken by the appellants that the termination order could have been passed under Rule 30, is erroneous, as, if at all, the power to terminate exists, the same can be done only in terms of Rule 39 which relates to all employees, irrespective of their status. It was contended that in such view of the matter, the order passed by the High Court needs no interference.

10. Having considered the matter in its entirety and going through material on record, we find that the order impugned cannot be sustained.

11. From the pleadings and whatever documents have been brought on record, we find that the status of the respondent No. 1 remained as a probationer. We further note that the approach of the High Court with regard to the effect of the requirement of a prior approval would not be fatal to the decision itself. At best, it can lead to consequences where the employee would be deemed to be in service till the approval is finally granted by the Competent Authority, which in the present case is the State Government.

12. In the present case, it is not in dispute that the approval was granted, though *post facto*. It is also not in dispute that the services of respondent No. 1 were terminated w.e.f. the day the Management passed the order. Thus, to that extent, there cannot be

any fault with the reasoning that no termination existed on the day it was passed by the Management and the same would only become effective from the date the Government gave approval thereto.

13. As the question of applicability of the Rules has been raised, we find it necessary to clarify the position. Thus, we hold that in the facts and circumstances of the present case, the matter would be covered under Rule 30, and the consequence would be that the effect of the termination would only be from the date on which the approval is granted by the State Government

14. Having held that, we are now faced with a situation where respondent No. 1 has been out of service for almost 30 years, and may have suffered certain adverse consequences due to this position and would thus need to be suitably compensated, particularly in the facts and circumstances of the present case.

15. Having given our anxious thoughts to this aspect of the matter, we find that the ends of justice would be met if the appellants pay a sum of Rs. 5,00,000/- (Rupees Five Lakhs) as lump sum compensation to respondent No. 1, and the matter be then finally closed.

16. Accordingly, the appeal is allowed to the extent that the termination of respondent No. 1 is upheld, with effect from 27.08.1998, the date on which the approval was granted by the State Government, and further that the appellants shall pay a sum of Rs. 5,00,000/- (Rupees Five Lakhs) to respondent No. 1 within eight

weeks from today.

17. Pending applications, if any, stand disposed of.

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(MANMOHAN)

NEW DELHI
OCTOBER 7th, 2026.

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). 6539/2024

[Arising out of impugned final judgment and order dated 29-11-2023 in DBCWP No. 2601/2001 passed by the High Court of Judicature for Rajasthan at Jaipur]

KHETRI VIKAS SAMITI & ORS.

Appellant(s)

VERSUS

VIJAY VIR SINGH & ORS.

Respondent(s)

IA No. 67135/2024 - EXEMPTION FROM FILING O.T.

Date : 07-10-2026 This matter was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE MANMOHAN

For Appellant(s) : Mr. Shubhranshu Padhi, AoR
Mr. Pranav Giri, Adv.
Mr. Jay Nirupam, Adv.
Mr. D. Girish Kumar, Adv.
Mr. Ritik Sharma, Adv.
Mr. Sougat Mishra, Adv.
Mr. Shubham Jain, Adv.

For Respondent(s) : Mr. Roopansh Purohit- 2141, AoR

Mr. Harsh Panwar- 4124, AoR
Ms. Kavita Bhardwaj, Adv.
Mr. Abdullah Tehami, Adv.

Mr. Anand Shankar- 3034, AoR

O R D E R

Heard Mr. Shubhranshu Padhi, learned counsel for the appellants and Mr. Harsh Panwar, learned counsel for the respondent No.1.

2. Leave granted.

3. The appeal is allowed in terms of the signed order which is placed on the file.
4. Pending applications, if any, stand disposed of.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR