

ITEM NO.3+4+5+6+24

Virtual Court 1

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 6687/2020

(Arising out of impugned final judgment and order dated 06-05-2020 in SAD No. 207/2019 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

SUBEDAR SINGH & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(ONLY I.A 50069/2020 APPROPRIATE ORDERS/DIRECTION TO BE LISTED)

WITH

SLP (C) No. 6487/2020

(I.A. No.50616/2020 - Appropriate Orders/Directions)

Diary No. 11331/2020

(I.A. No.50134/2020 - Appropriate Orders/Directions)

SLP (C) No.6850/2020

(I.A. No.50126 - Appropriate Orders/Directions, I.A. No.50128/2020 - Exemption from filing Affidavit and I.A. No.50127 - Exemption from filing O.T.)

Diary No.11444/2020

(I.A. No.51715/2020 - Exemption from filing C/C of the impugned judgment and I.A. No.51714/2020 - Exemption from filing O.T. and I.A. No.51717/Exemption from filing Affidavit and I.A. No.51713/2020 - Permission tofile petition (SLP/TP/WP/...)

Date : 09-06-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

Counsel for the Parties :

Mr. Gopal Subramaniam, Sr. Adv.

Mr. P.S. Patwalia, Sr. Adv.

Mr. R.K. Singh, Adv.

Mr. Kumar Gaurav, Adv.

Ms. Ritu Reniwal, Adv.

Mr. Pranav Diesh, Adv.

Mr. Rahul Rai, Adv.

Mr. S.M. Khursheed, Adv.

Mr. Anzu K. Varkey, AOR

Ms. Tanya Agarwal, Adv.

Mr. Ramesh Kumar Mishra, Adv.

Dr. Rajeev Dhavan, Sr. Adv.

Mrs. Neeraj Singh, Adv.

Mr. Pranav Diesh, Adv.

Mr. Rahul Rai, Adv.

Mr. S.M. Khursheed, Adv.

Mr. Robin Khokhar, Adv.

Mr. Tushar Mehta, SG

Ms. Aishwarya Bhati, Sr. Adv.

Mr. Harish Pandey, Adv.

Ms. V. Mohana, Sr. Adv.

Mr. Rakesh Dwivedi, Sr. Adv.

Mr. Abhishek Kishore, Adv.

Mr. Parminder Singh Bhullar, Adv.

Mr. R. Venkataramani, Sr. Adv.

Mr. Anandh Venkataramani, Adv.

Mr. D.P. Shukla, Adv.

Mr. Vinod Kumar Tewari, AOR

Ms. Tanima Kishore, AOR

Mr. Rakesh Mishra, AOR

Mr. Nishit Agrawal, AOR

Mr. Harsh Mishra, Adv.

Mr. Krishnanand Pandeya, AOR

Mr. vinay Navare, Sr. Adv.

Mr. Akshat Shrivastava, Adv.

Mr. Amit Pawan, Adv.

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

The Court is convened through video conferencing.

Permission to file the Special Leave Petition in Diary
No.11444/2020 is granted.

Issue notice in SLP (C) D. No.11444/2020.

Heard learned counsel for the parties.

since the confusion is created by the State Government by issuing further orders relating to selection, etc. the application is moved today in these matters for orders by the petitioners.

Having heard learned counsel for the parties, this Court by the interim order dated 21.5.2020 had passed the following order :-

"We have heard all the learned Senior Advocates and other learned Advocates appearing for the petitioners as well as the learned Solicitor General appearing for the State. We have also heard the other learned Counsel who appeared for the Caveators.

Permission to file Special Leave Petitions is granted.

Issue notice in all matters, returnable on 14.07.2020.

The State shall, on or before 06.07.2020, file its response indicating:

- (I) How many Shiksha Mitras are presently working in the State and how many Shiksha Mitras appeared in the instant selection process;
- (ii) How many Shiksha Mitras secured more than 45% marks in General Category or more than 40% marks in reserved category; and
- (iii) The Roll Numbers of Shiksha Mitras who have secured more than 45% or 40% marks, as stated above.

Pending notice, the services of all Shiksha Mitras who are presently holding their posts as Assistant Teachers shall not be disturbed. However, it shall be open to the State Government to fill up the remaining posts by taking resort to the instant selection.

After the response as indicated above is filed by the State Government, the concerned candidates shall be at liberty to file their response within a week thereafter.

The matter shall be disposed of on the next

occasion.

List these matters on 14.07.2020.”

From the aforementioned order, thus, it is clear that the State Government was directed that the services of all the Siksha Mitras who are presently working as on that date holding the post of Assistant Teachers shall not be disturbed.

However, it was open for the State Government to fill up the remaining posts by taking resort to instant examination. Despite the same, it is, *prima facie*, borne out from the records now produced that the State Government is proceeding with the selection to fill up all the posts. Such process to be adopted by the State Government shall not be permitted in view of the interim order passed by this Court on 21.5.2020.

It is brought to the notice of this Court by the learned counsel for the parties and it is not disputed by anybody that 37,339 persons who are working as Shiksha Mitras have appeared for the examination. In view of the same, it is open for the State Government to fill up the remaining posts of Assistant Teachers other than 37,339. In other words, 37,339 posts of Assistant Teachers shall be kept vacant. Other posts can be filled up.

List the matters on 14.7.2020 as directed earlier.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(PRADEEP KUMAR)
COURT MASTER