

ITEM NO.11

COURT NO.6

SECTION XIV-A

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

Miscellaneous Application No(s).66-69/2020 in C.A.Nos.5797/2019

(Arising out of impugned final judgment and order dated 08-11-2019 in CONMT.PET.(C) No. No. 1131/2019 08-11-2019 in CONMT.PET.(C) No. No. 1132/2019 08-11-2019 in CONMT.PET.(C) No. No. 1138/2019 08-11-2019 in CONMT.PET.(C) No. No. 1139/2019 passed by the Supreme Court Of India)

RAJKUMAR BIJOY SINGH & ORS.

Petitioner(s)

VERSUS

T RANJIT SINGH & ORS.

Respondent(s)

WITH

MA 133/2020 in C.A. No. 5797/2019 (XIV-A)

(IA No. 7133/2020 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 20-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Ms. Aparna Bhat, Adv.
Ms. Karishna Maria, Adv.
By Courts Motion, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. David, A., Adv.
Ms. Rajkumari Banju, AOR

Ms. Asmita Singh, Adv.
Mr. Gautam Narayan, Adv.

For Respondent(s) Mr. Ashutosh Dubey, Adv.
Ms. Rajshri Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Sushil Pandey, Adv.

Mr. Vikramjit Banerjee, ASG
Ms. Kiran Suri, Sr. Adv.
Mr. Bharat Singh, Adv.
Mr. Mukul Singh, Adv.
Mr. Ayush Anand, Adv.

Mr. Siddhartha Sinha, Adv.
Mr. Om Prakash Shukla, Adv.
Mr. Anshul Gupta, Adv.
Mr. Gurmeet Singh Makker, AOR

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

On 31.7.2019, following order was passed by this Court:

"We therefore, direct the State Government to appoint all these 33 appellants as well as all the Intervenors as Hindi-Graduate Teachers on and with effect from 1st September, 2019 as per their inter-se merit. It is made clear that these 33 appellants and the Intervenors shall for all practical purposes, be treated as Hindi Graduate Teachers from the date of their appointment and no benefit arising from the fact that their names were included in the notification of 31.07.2001 shall enure to their advantage. Their service will be reckoned only from the date of their joining. In case, the service Regulations or the Statutes in question, require Hindi-Graduate Teachers to acquire any additional qualifications or such other requirements, the same shall be complied with by these 33 appellants and the Intervenors within a reasonable time, namely, within three years from their appointment."

The directions thus contemplated that all 33 appellants as well as the intervenors be given appointments on and with effect from 1.9.2019. The subsequent order dated 8.11.2019 passed by this Court in Contempt Petition No. 1131-1132/2019 shows that till that date no appointment was given by the State despite said directions in the Order dated 31.07.2019.

In the aforesaid context, fresh directions were issued on 8.11.2019 as under:

"Since the order dated 31.7.2019 had contemplated that the teachers in question be given appointments on and w.e.f. 1.9.2019, we direct the State Government to comply with the directions positively within four weeks from today. In any case, the concerned teachers shall be entitled to all the benefits as if they were appointed on and with effect from 1.9.2019. Needless to say that they

shall also be entitled to remuneration on and w.e.f. 1.9.2019.”

Ms. Aparna Bhat, learned counsel for the applicant/petitioner, invited our attention to Order dated 19.02.2020 of the Director Education (S), Directorate of Education, Govt. of Manipur, Imphal which is to the following effect:

**“GOVERNMENT OF MANIPUR
DIRECTORATE OF EDUCATION(S)**

....

**O R D E R S
Imphal, the 19th February, 2020**

No.2/395/2013-ED(S): On the recommendation of the Class-III D.P.C. held from 16.06.1999 to 10.07.1999 and in pursuance of the approval of the Government conveyed under letter No.12(HC)/95/2016-SE(S)Pt-II dated the 19th February, 2020, the Appellants/Petitioners in Civil Appeal No.5797 of 2019 arising out of SLP (C)No.13934 of 2016 and Order dated 08.11.2019 and all the Intervenors, whose roll numbers had been notified under this Office Notification No.2/366/2000-ED(S) Pt. Dated the 31st July, 2011 are hereby temporarily appointed as Hindi Graduate Teachers in the Department of Education (Schools) in the scale of Pay of Rs.9300-34800 with Grade Pay and other allowances as admissible under rules with effect from 1st September 2019 notionally and actually/cash payment shall be made with effect from the date of joining to the post of Hindi Graduate Teacher.

2. They shall be on probation for a period of 2 (two) years.
3. Necessary Order for posting arrangement shall be issued separately.
4. They shall submit their joining report at this Directorate by 25th February, 2020.
5. Untrained/Unqualified Graduate Teachers appointed shall complete the requisite course of teachers' training within 3(three) years from the date of their appointment, failing which their appointment shall stand cancelled.
6. The appointment is subject to the acceptance to the

Offer of appointment, further verification of Character, Antecedent, Educational Certificates, Admit Card and other relevant documents as required thereof to the person concerned.

7. This Order is issued in compliance with the Order dated 31st July, 2019 of the Hon'ble Supreme Court of India passed in Civil Appeal No.5797 of 2019 arising out of SLP (C)No.13934 of 2016 and Order dated 08.11.2019 passed in Contempt Petition (C)No.1131-1132 of 2019 and No.1138-1139 in C.A.No.5797/2019 and W.P.(C)No.1075/2019 and MA No.1958 and 1959/2019 in CA No.5797/2019.

8. This is issued with the concurrence of DP's UO No.60/2019-2020/DP dated 07-02-2020 and FD's UO No.268/2019-2020/FD(PIC) dated 19.02.2020.

(Th. Kirankumar)
Director of Education (S)"

According to Ms. Bhat, a glaring infirmity that stands out is that though the appointments are given w.e.f. 1.9.2019, the actual/cash payment would be made to the concerned teacher only from the date of their joining the post of Hindi Graduate Teachers. In her submission, the directions issued by this Court as quoted hereinabove have not been complied with.

Mr. Ashutosh Dubey, learned counsel for the State relied upon the observations in the Order dated 31.7.2019 to submit that the entitlement would be only from the date of the appointment. We do not accept the submission as the next Order dated 8.11.2019 put the matter beyond any doubt as regards entitlement w.e.f. 1.9.2019.

In the circumstances, we direct the State Government to make over to all the concerned teachers, the emoluments on and w.e.f. 1.9.2019. This direction shall be complied with positively within

two weeks from today.

In MA No.131 of 2020, it is submitted that one Naorem Romita Devi was initially arrayed as proforma respondent in the High Court but was one of the appellants (Appellant No.22 in Civil Appeal No.5797 of 2019) in this Court. It is further submitted that when learned counsel for the appellants were asked by this Court to give the names of the appellants interested in seeking employment, said Naorem Romita Devi could not be contacted and as such her name got left out.

Since the case of Naorem Romita Devi stands on the same footing as the other appellants as well as the intervenors, we direct that the applicant Naorem Romita Devi shall also be entitled to benefits under the orders dated 31.7.2019 and 8.11.2019.

List these M.As. to report compliance on 13.04.2020.

(INDU MARWAH)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)