

ITEM NO.37

COURT NO.5

SECTION IV-B

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).3263/2023

(Arising out of impugned final judgment and order dated 12-01-2023 in LPA No.1928/2019 passed by the High Court of Punjab & Haryana at Chandigarh)

TARSEM SHARMA & ORS.

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

IA No. 28169/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No.64081/2023 - INTERVENTION APPLICATION

IA No.94713/2023 - INTERVENTION/IMPLEADMENT

IA No.66474/2023 - INTERVENTION/IMPLEADMENT

IA No.178968/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No.43057/2023 - VACATING STAY)

WITH

Diary No(s).9800/2023 (IV-B)

(FOR ADMISSION and I.R. and IA No.88133/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.88134/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.88131/2023-CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS)

SLP(C) No. 9450/2023 (IV-B)

(FOR ADMISSION and I.R. and IA No.86548/2023-ADDITION/DELETION/MODIFICATION PARTIES and IA No.86543/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.86540/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.86549/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s).20053/2023 (IV-B)

(IA No.111545/2023-CONDONATION OF DELAY IN FILING and IA No.111546/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.111544/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.111547/2023-DELETING THE NAME OF PETITIONER/RESPONDENT)

SLP(C) No.19303/2023 (IV-B)

(IA No.163473/2023-CONDONATION OF DELAY IN FILING and IA No.163477/2023-ADDITION/DELETION/MODIFICATION PARTIES and IA No.163475/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.163470/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 17-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Dr. Nirmal Chopra, AOR

Mr. V.K. Yadav, Adv.
Ms. Suresh Kumari, Adv.
Mr. B. K. Pal, AOR

Mr. Pardeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Mrs. Mansi Gupta, Adv.
Mr. Rakshit Rathi, Adv.
Dr. (Mrs.) Vipin Gupta, AOR

Mr. Paramjit Singh Patwalia, Sr. Adv.
Mr. Gauravjit Singh Patwalia, Adv.
Ms. Swati Sood, Adv.
Mr. Amit Verma, AOR

For Respondent(s) Mr. Narender Hooda, Sr. Adv.
Mr. Jasbir Singh Malik, Adv.
Mr. Parikshit Parashar, Adv.
Ms. Divya Mishra, Adv.
Mr. Varun Punia, AOR

Mr. Lokesh Sinhal, Sr. A.A.G.
Dr. Monika Gusain, AOR

Mr. Shalender Mohan, Adv.
Mr. Manoj Makker, Adv.
Mr. Shafik Ahmed, Adv.
Mr. Sachin Wadhwa, Adv.
Mr. Danish Saifi, Adv.
Mr. Padmanabha Raja K.R., Adv.
Mr. V. Elanchezhian, AOR

Mr. Narender Hooda, Sr. Adv.
Mr. Jasbir Singh Malik, Adv.
Mr. Parikshit Parashar, Adv.
Ms. Divya Mishra, Adv.
Mr. Varun Punia, AOR

Mr. Jitesh Malik, Adv.
Mr. Satish Kumar, AOR

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

1. Two principal issues eventually arise for consideration in these matters i.e. (i) whether the candidates possessing the qualification of Shiksha Shastri are entitled to be considered for the post of PGT Sanskrit only after the Haryana State Education

School Cadre (Group B) Service Rules, 2012 were amended from 23.06.2017? or; (ii) Whether such candidates are entitled to be treated as eligible even prior thereto, in view of the administrative circulars issued by the State Government from time to time since the year 1996?

2. It is pointed out by learned Senior Additional Advocate General, as well as learned Senior Counsel for the parties that as a result of pending litigation, no direct recruitment to the posts of PGT Sanskrit has been made in the State since the year 2015. There are two selection lists which are the subject matter of litigation, namely, (i) comprising the candidates, who were selected pursuant to the advertisement dated 28.06.2015; and (ii) the candidates possessing qualification of Shiksha Shastri, who too were invited for interview in September, 2018, followed by a consolidated merit list.

3. During the course of hearing, we are informed that there are more than 600 posts, which are lying vacant. As an interim measure and subject to the adjudication of the issues referred to above, we are of the view that the State of Haryana can, in the interest of the students and promotion of Sanskrit language, resolve to appoint the candidates out of the common merit list of both sets of candidates. If no such list is readily available with the Education Department/Selection Commission, they can compile the *inter-se* merit of the candidates for their appointment subject to final outcome of these proceedings. Let the needful be done within eight weeks and a compliance affidavit be filed.

4. Post these matters for hearing on 23.01.2024.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)