



2017 INSC 799

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10808 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 14872 OF 2013]

U.P. SECONDARY EDUCATION SERVICE SELECTION BOARD APPELLANT(S)

VERSUS

THE STATE OF U.P. & ORS.

RESPONDENT(S)

WITH

C.A. NO.10809/2017 @ SLP(C) No.14888/2013

C.A. NO.10810/2017 @SLP(C) No.14045/2014

J U D G M E N T

KURIAN, J.

Leave granted.

2. I.A. No.74173/2017 is allowed at the risk of the appellant(s).

3. The appellants are aggrieved only to the extent of the following answer in the impugned Reference Order:-

"The interpretation, the scope and applicability of Rule 13(5) of the U.P. Secondary Education Services Selection Board Rules, 1998 as affirmed in the case of U.P. Secondary Education Services Selection Board Allahabad v. State of U.P. & Ors. (Special Appeal No.146 of 2010 decided on 21.01.2011)

is upheld as laying down the law correctly by confining its applicability to the vacancies that are subject matter of the same advertisement and not to such vacancies that were notified but not subject matter of the same advertisement."

4. According to the learned counsel, in case the candidates who have reported pursuant to the advice and in case they are not accommodated, their case will have to be dealt with in terms of Rule 13 of the 1998 Rules, which has been amended on 23.01.2007. The amendment, to the extent relevant, reads as follows:-

"Where a candidate selected by the Board could not join in an allocated institution due to non-availability of vacancy or for any other reason, the District Inspector of Schools shall recommend to the Board in any other institution. On receipt of the recommendation of the District Inspector of Schools the Board shall allocate such candidate to another institution in a vacancy notified to the Board."

5. The issue pertains to the candidates who have already been selected but could not be accommodated for want of vacancies. In such cases, it cannot be said that the Board has no power to accommodate them. They will have to be certainly accommodated in available or arising vacancies.

6. The impugned order will stand clarified to the above extent.

7. The appeals are, accordingly, disposed of.

8. Pending applications, if any, shall stand disposed of.

9. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
AUGUST 23, 2017.