

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.

ITEM NO.3

COURT NO.6

SECTION XI

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). 14872/2013

(Arising out of impugned final judgment and order dated 19-12-2012 in CMWP No. 27992/2011 passed by the High Court of Judicature at Allahabad)

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

VERSUS

THE STATE OF U.P. & ORS.

RESPONDENT(S)

WITH

SLP(C) No. 14888/2013 (XI)

SLP(C) No. 14045/2014 (XI)

(WITH IA No.74173/2017)

Date : 23-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.  
Ms. Abha R. Sharma, AOR  
Mr. D.S. Parmar, Adv.  
Ms. Sujeeta Srivastave, Adv.  
Ms. Ananya, Adv.

Mr. Mahabir Singh, Sr. Adv.  
Ms. Purnima Jauhari, Adv.  
Mr. B.K. Jauhari, Adv.  
Ms. Pooja Sharma, Adv.  
Mr. Deepak Anand, AOR

For Respondent(s) Mr. Mahabir Singh, Sr. Adv.  
Ms. Purnima Jauhari, Adv.  
Mr. B.K. Jauhari, Adv.  
Mr. Ajit Singh Pundir, AOR

Ms. Aishwarya Bhati, AAG  
Ms. Alka Sinha, Adv.  
Mr. Anuvrat Sharma, Adv.

Mr. M.R. Shamshad, AOR

Mr. Rajeev Kumar Dubey, Adv.  
Mr. Kamlendra Mishra, AOR

Mr. Ansar Ahmad Chaudhary, AOR

Mr. Prakash Kumar Singh, AOR

Mr. Nagendra Singh, Adv.  
Mr. Adesh Kr. Gill, Adv.  
Mr. Vishwa Pal Singh, AOR

Mr. Rajeev Singh, AOR

Mr. Yatish Mohan, Adv.  
Ms. Vinita Y. Mohan, Adv.  
Mr. Kedar Nath Tripathy, AOR

Mr. Pradeep Misra, AOR  
Ms. Indu Misra, Adv.  
Mr. Suraj Singh, Adv.

Mr. Shiv Sagar Tiwari, AOR

Ms. Monika Gusain, AOR  
Mr. Karunesh K. Shukla, Adv.

Ms. Manju Jetley, AOR

Mr. Rajeev Sharma, AOR

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

Leave granted.

The appeals are disposed of in terms of the signed judgment.

(NARENDRA PRASAD)  
COURT MASTER

(RENU DIWAN)  
ASST. REGISTRAR

(Signed "Non-Reportable" Judgment is placed on the file)