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C.A.No. 5979-5982 OF 2000

ITEM No.10

Court No. 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

IA No 9-12 In Civil Appeal No.5979-5982/2000@@
CC

STATE OF U.P. & ANR.

Appellant (s)

VERSUS

S.N. MEDICAL COLLEGE & ORS

Respondent (s)

(for clarification of Court's order dated 16.10.2000)

Date : 13/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI

For Appellant (s) Mr. Harish N. Salve, S.G.
Mr. Ashok K. Srivastava, adv.

For Respondent (s) Mr. A M Singhvi, Sr. adv.
Mr. Sunil Gupta, adv.
Mr. S K Singh, adv.
Mr. Gopal Prasad, adv.

For intervenor/
impleading party Mr. R B Mehrotra, Sr. adv.
Mr. I B Gaur, adv.
Ms. Gargi Khanna, adv.

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

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Vide order dated 2nd April, 1998, the State Government converted Government Medical Colleges into Societies. That G.O. was put in issue in a Writ Petition in the High Court. The High Court on 8th July, 1999 quashed the G.O. The order of the High Court was challenged through special leave petitions in this Court. On 16th October, 2000, while granting leave and staying the operation of the impugned order,
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this Court clarified, "that so far as the existing teachers and the other staff of the colleges is concerned, their status as government servants shall not be altered.". Through these applications, clarification of that order is sought.

After hearing learned counsel for the parties, we clarify that the order dated 16th October, 2000 does not prevent teachers and other staff (who had not opted for joining the Society) to accept employment of the Society, so as to be treated at par with other employees of the Society but in the event they do not opt to do so, their status as Government servants, which they were enjoying prior to 2nd April, 1998, shall not be affected. We also clarify that should any of the teachers/members of the staff, who have not so far joined the Society, wish to join the Society, they shall be entitled to do so notwithstanding time limit, if any, prescribed by the Government or through any order of the High Court.

In case any orders are made by the Society regarding service conditions of any of the members of the Society, that order shall be without prejudice to the rights of the parties, including non-members and members or employees of the Society and shall be subject to the final outcome of the appeals.

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I.A. Nos. 13-16@@

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The impleadment applications are disposed of with the direction that the applicants shall be permitted to intervene during the hearing of the appeals.

Keeping in view the nature of the controversy, it is directed that the appeals be heard expeditiously.

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(Kanchan Jain)
AR-cum-PS

(Prem Prakash)
Court Master