

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). 4340/2012

(Arising out of impugned final judgment and order dated 25/01/2012 in MC No. 2496/2011,25/01/2012 in WP No. 1457/2010 passed by the High Court of Gauhati)

STATE OF ASSAM

Petitioner(s)

VERSUS

BODOLAND TERRITORIAL COUNCIL & ANR. Respondent(s)
(With application for permission to place additional facts and grounds, interim relief and office report)

WITH SLP(C) No. 14842/2012

[BODOLAND TERRITORIAL COUNCIL V. HON'BLE GAUHATI HIGH COURT & ANR.]

(With application for directions, clarification of court's order, Interim Relief and Office Report)

Date : 04/08/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)
In SLP 4340

Mr. Azim H. Laskar, Adv.
Mr. Sachin Das, Adv.
Mr. Abhijit Sengupta, Adv.

in SLP 14842

Mr. Amarendra Sharan, Sr. Adv.
Mr. Amit Anand Tiwari, Adv.
Mr. Avinash Tripathi, Adv.
Mr. Abhinav Raghuvanshi, Adv.

For Respondent(s)
FrORR 1 in SLP 4340

Mr. Amarendra Sharan, Sr. Adv.
Mr. Amit Anand Tiwari, Adv.
Mr. Avinash Tripathi, Adv.
Mr. Abhinav Raghuvanshi, Adv.

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

Signature Not Verified

Digitally signed by
Kalyani Gupta
Date: 2014.08.09
10:24:00 IST
Reason:

SLP(C) NO. 4340 of 2012

Counsel for the petitioner states that the

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State of Assam makes a statement that since the High Court has now disposed of the main writ petition itself nothing survives in the Special Leave Petition.

The Special Leave Petition is, therefore,

dismissed as having become infructuous.

SLP(C) 14842 of 2012

Leave granted.

The appeal is allowed in terms of the signed order.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

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C.A. NO. OF 2014 @ SLP(C) NO. 14842 OF 2012

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7430 OF 2014
[ARISING OUT OF SLP(C) NO. 14842 OF 2012]

BODOLAND TERRITORIAL COUNCIL

.....

APPEL

LANT

VERSUS

HON'BLE GAUHATI HIGH COURT & ANR.

.....

RESPO

NDENTS

O R D E R

Mr. Azim H. Laskar appearing for the State of Assam in

SLP(C) NO.4340 of 2012 is directed to appear

for the

respondent-State in this matter also.

Leave granted.

2. Mr. Amarendra Sharan, learned senior counsel submitted

that even at the time when the impugned order dated 25 th

January, 2012 was passed all the eligible OBB teachers of

the Lower Primary/Upper Primary schools within the area of

the appellant-Council were regularised, however

, the

Division Bench of the High Court prohibite

d the

appellant-Council from completing the process of selection initiated in the year 2005 in the Middle and Primary schools of its four districts as referred to in its letter dated 24th January, 2011 and 28th January, 2011.

In the

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C.A. NO. OF 2014 @ SLP(C) NO. 14842 OF 2012

light of the said prohibition, imposed by the High Court, we find that for want of teachers the pupil are suffering and the education process is seriously affected.

The

counsel for the State of Assam has brought to our notice a final order passed by the Division Bench of the High Court dated 1st October, 2013 wherein it has been noted that all the OBB Teachers who were appointed on ad hoc basis were also regularised by the Government and even the service of dropped teachers was also regularised.

In fact taking no

te

of the said order passed by the Division Bench

on 1st

October, 2013, we have already disposed of SLP(C) NO. 4340 of 2012 preferred by the State of Assam.

In the ligh

t of

the said development, we do not find any justification at

all for the prohibition imposed by the High Co

urt in

restraining the appellant from proceeding with

the

selection process initiated in regard to the selection of

the year 2005 as stated in its communication dated 24th

January, 2011. It is also necessary to state that even as

of 2012, the appellant is stated to have a

lready

regularised all the eligible OBB teachers of the

Lower

Primary/Upper Primary schools situated within its area.

3. Learned senior counsel, Mr. Sharan, also pointed out

that the entire selection process has also been completed
and the list is also ready for publication pursuant to our

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interim direction dated 10th May, 2012 passed in this appeal
by way of especial leave. The only impediment seems to be
the want of approval by the S.I.U. of the Finan
ce
Department of the State of Assam.

4. Having regard to the fact that for want of teachers, the
education of the tiny tots is seriously prejudiced, we are
convinced that the appellant should be allowed to proceed
with the implementation of the selection process already
concluded pursuant to its letters dated 24th January, 2011
and 28th January, 2011. Therefore, while setting aside the
order impugned in this appeal and allowing the appellant to
seek for approval of SIU of the State of Assam, we direct
the State of Assam, to process the appellant-Council's
claim for such approval expeditiously and pass orde
rs
within two months from the date of production of a copy of
this order.

5. The appeal stands allowed in the aforesaid terms.

.....J
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J
[SHIVA KIRTI SINGH]

NEW DELHI,
AUGUST 04, 2014.

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