

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

I.A.No.5/2016 in I.A.No.2/2015, I.A.No.4/2016 in I.A.No.2/2015,
I.A.No.3/2015 in I.A.No.13/2013, I.A.No.2/2015 in
Petition(s) for Special Leave to Appeal (C) No(s).15253/2006

(Arising out of impugned final judgment and order dated 03/05/2006
in FMA No.294/2005 passed by the High Court Of Calcutta)

W.B.O. PRIMARY TEACHERS' ASSN. & ORS. Petitioner(s)

VERSUS

CHAIRMAN, AD-HOC COMMITTEE, NORTH & ORS. Respondent(s)
(For clarification/direction of Court's order and impleadment
as party respondent and intervention)

WITH

I.A.No.17/2014, I.A.No.18/2014, I.A.No.19/2015, I.A.No.20/2015,
I.A.No.21/2015, I.A.No.22/2015, I.A.No.23/2015, I.A.No.24/2015,
I.A.No.25/2016, I.A.No.1/2016 IN I.A.No.23/2015, I.A.No.26/2016
IN I.A.No.D23934/2016, I.A.No.27/2016 IN I.A.No.D24207/2016,
I.A.No.2/2016 in I.A.No.23/2015, I.A.No.1/2016 IN I.A.No.
25/2016, I.A.No.2/2016 IN I.A.No.25/2016, I.A.No.3/2016 IN
I.A.No.25/2016, I.A.No.4/2016 IN I.A.No.25/2016, I.A.No.5/2016
IN I.A.No.25/2016 IN SLP(C)No.14897/2008
(For appeal against Registrar's order and clarification/
direction, c/delay in filing appeal and directions, permission
to file addl. documents and seeking permission to file addl.
documents and office report)

AND

CONMT.PET.(C)No.406/2016 In SLP(C) No.15253/2006

Date : 06/10/2016 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)/Applicant(s) :

Mr. Shrish Kumar Misra,Adv.

Mr. R.S. Suri,Sr.Adv.

Mr. Rohit K. Aggarwal,Adv.

For Mr. Amarjit Singh Bedi,Adv.

SLP (C) 15253

Mr. A.K. Ganguli, Sr. Adv.
Mr. Somnath Mukherjee, Adv.

CP (C) No. 406

Mr. Somnath Mukherjee, Adv.

Mr. M.R. Calla, Sr. Adv.
Mr. Hiren Dasan, Adv.
Mr. Uday Gupta, Adv.
Mr. Santi Ranjan Das, Adv.
Mr. S.K. Bhattacharya, Adv.
Mr. Pradyot Kumar Mondal, Adv.
Mr. Anindo Mukherjee, Adv.
Mr. B.P. Yadav, Adv.
For Mrs. Sarla Chandra, Adv.

For Respondent(s) :

W.B.Bd.of
Primary Edu.

Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Chatterji, Adv.
Ms. Maitrayee Banerjee, Adv.

State of WB

Mr. Paras Kuhad, Sr. Adv.
Mr. Parijat Sinha, Adv.
Mr. Joydeep Mazumdar, Adv.
Mr. Debojyoti Bhattacharya, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. Jiten Chaturvedi, Adv.
Ms. Aditi Tripathi, Adv.

Mr. Asoke Kumar Banerjee, Sr. Adv.
Mr. Snehasish Mukherjee, Adv.

Ms. Nandini Sen, Adv.
For Mr. Deba Prasad Mukherjee, Adv.

Dr. Sumant Bharadwaj, Adv.
Mr. Manoj Kumar, Adv.
For Ms. Mridula Ray Bharadwaj, Adv.

Mr. Partha Sil, Adv.

Mr. Franklin Ceasar Thomas, Adv.
Mr. Chand Qureshi, Adv.
Mr. M.P. Siddiqui, Adv.
For Mr. Rameshwar Prasad Goyal, Adv.

Mr. Abhishth Kumar, Adv.
Ms. Archana Singh, Adv.

Mr. Avijit Bhattacharjee, Adv.
Mr. Sunil Kumar Verma, Adv.

Mr. Somnath Mukherjee, Adv.
Ms. Abha Jain, Adv.
Mr. Anip Sachthey, Adv.
Mr. Devvrat, Adv.
Mr. Mithilesh Kumar Singh, Adv.
Mr. Ranjan Mukherjee, Adv.
Mr. Shyam D. Nandan, Adv.

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

We have heard the learned counsel for the parties at length. Upon hearing the concerned counsel and upon perusal of the relevant record and the orders passed by this Court from time to time, we had passed the following order on 28th January, 2016 :

"In pursuance of order dated 2nd December, 2015, the Verification Committee has verified the details with regard to 1257 Organizing Teachers and has come to its final conclusion that out of 1257, 203 Organizing Teachers, who were parties in the petitions filed before the Calcutta High Court, are below the age of 60 years as on today and they are also qualified to become teachers as per Rules which were in force as on 14th September, 1995. Names of those 203 Organizing Teachers have been given in the list at Annexure R-6 to the Report of the Verification Committee constituted in terms of the order dated 2nd December, 2015. The Report has been handed over to us in Court today, which is taken on record.

The said Organizing Teachers shall submit relevant documents concerning their age and their qualification, to the Verification Committee within four weeks from today and after verification thereof in presence of the concerned Organizing Teachers, the Verification Committee shall come to a final conclusion with regard to veracity of the certificates and thereafter shall recommend the names of the qualifying Organized Teachers to the State within four weeks thereafter. Upon receipt of the said list, the State shall give appointment to the persons recommended by the Verification Committee within four weeks from the date of receipt of the list."

We direct that the 173 candidates, as referred to in our order dated 28.1.2016 passed in I.A.Nos.2 & 3 of 2015 in I.A.No.13/2013 in SLP(C) No.15253/2006, shall be appointed as Primary Teachers with effect from 1.10.2016 and their appointment letters shall be given to them before 31st October, 2016.

In our order dated 28.1.2016, we had observed that:

"It has been submitted by the learned counsel appearing for some of the Organizing Teachers, who are not within the list of afore-stated 203 persons, that they are also eligible for appointment but because of some mistake their names have not been included in the list.

If it is so, it would be open to them to approach the Verification Committee on or before 29th February, 2016, so as to show that they are duly qualified as other Organizing Teachers as per Rules in force as on 14th September, 1995 and they are below the age of 60 years as on today. We are sure that as and when such an application is made, the Verification Committee will look into their grievance and take appropriate action as soon as possible, preferably within six weeks thereafter.

So far as other 5616 Organizing Teachers (as per the list furnished by Mr. Amarjit Singh Bedi, the learned counsel), who claim to be parties before the High Court in Writ Petition No.15632 of 1998, are concerned, it has been submitted that all relevant details with regard to their qualification and age, details of which are to be examined by the Verification Committee, have already been given to the learned counsel appearing for the respondent-State. The verification details shall be put in a tabular form, as per order dated 2nd December, 2015."

As far as the aforesaid observations are concerned, the details, which must have been prepared by the

Verification Committee, shall be placed in a tabular form and shall be placed before the Calcutta High Court. We are sure the High Court shall look into the same and pass an appropriate order in pursuance of the directions given as afore-stated as well as other orders passed by this Court.

If the afore-stated exercise has not been done so far, the same shall be finished as soon as possible, preferably before 31st October, 2016. If any matter with regard to similar petition on the subject matter of this litigation is pending before the High Court, it would be open to the High Court to decide the same in accordance with law on its merits and after taking into account all the orders passed by this Court from time to time. We are sure that the High Court will look into such matter/matters and dispose of the same as soon as possible, preferably before 31st January, 2017.

All pending matters on the subject with this Court shall be transmitted to the High Court as soon as possible along with copies of all orders passed so that the High Court can do the needful.

We request the Hon'ble Chief Justice of the Calcutta High Court to place all these matters before a Division Bench so that a final decision can be taken by the High Court and further time, with regard to filing of appeal/appeals can be avoided.

All the applications are disposed of as they have been transmitted to the Calcutta High Court and the contempt petition stands discharged.

We clarify that this order has been passed in the peculiar facts of these matters, therefore, this order shall not be treated as a precedent.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar