

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1600 OF 2011

STATE OF UTTAR PRADESH & ANR. . . APPELLANT(S)

VERSUS

JITENDRA KUMAR SONI & ORS. . . RESPONDENT(S)

WITH

CIVIL APPEAL No. 2176/2011

CIVIL APPEAL No. 5311/2011

SPECIAL LEAVE PETITION(C) . . .CC No. 21051/2011

SPECIAL LEAVE PETITION(C) . . .CC No. 21763/2011

SPECIAL LEAVE PETITION(C) . . .CC No. 21768/2011

SPECIAL LEAVE PETITION(C) . . .CC No. 21916/2011

SPECIAL LEAVE PETITION(C) . . .CC No. 22085/2011

SPECIAL LEAVE PETITION(C) . . .CC No. 22408/2011

SPECIAL LEAVE PETITION(C) . . .CC No. 22440/2011

SPECIAL LEAVE PETITION(C) No. 3010/2012

SPECIAL LEAVE PETITION(C) No. 3011/2012

SPECIAL LEAVE PETITION(C) No. 3012/2012

SPECIAL LEAVE PETITION(C) No. 3013/2012

SPECIAL LEAVE PETITION(C) No. 5275/2012

SPECIAL LEAVE PETITION(C) No. 5276/2012

SPECIAL LEAVE PETITION(C) No. 7208/2012

SPECIAL LEAVE PETITION(C) No. 7209/2012

SPECIAL LEAVE PETITION(C) No. 7210/2012

CIVIL APPEAL No. 8888/2012

SPECIAL LEAVE PETITION(C) No. 37286/2012

SPECIAL LEAVE PETITION(C) No. 11751/2014

O R D E R

1. A Bench of this Court by its order dated 24.10.2014 had referred these matters to a larger Bench on the ground that yet another matter(s) viz. Civil Appeal No. 7479 of 2009 Etc. has been referred to a larger Bench by order dated 09.11.2009.

2. The order of reference reads as under:

"Learned counsel on either side submitted that these matters have to be referred to a Larger Bench. Reference was made to an order of this Court dated 09.11.2009 in C.A. No. 7479 of 2009 etc. reported in 2010 (15) SCC 319.

We, therefore, feel it appropriate that these matters be referred to a Larger Bench for an authoritative pronouncement. In view of the above, place these matters before Hon'ble the Chief Justice of India for appropriate orders."

3. At the time of hearing of these appeals/petitions, learned counsel for the appellants/petitioners has brought to our notice the order passed by a Bench of Three Hon'ble Judges in Civil Appeal No.7479 of 2009 etc., dated 15.01.2013 and also an amendment incorporated in the National Council of Teachers Education Act (for

short, the "Act") by Amendment Act No.18 of 2011, dated 12.11.2011.

4. If the judgment of this Court in Civil Appeal No.7479 of 2009, dated 15.01.2013 and the amendment that is inserted to the Act by Amendment Act No.18 of 2011, dated 12.10.2011 was brought to the notice of the Court which has referred the matter for answer, the Hon'ble Judges might not have referred the matter for the opinion of a Larger Bench. Be that as it may.

5. In view of the above, in our opinion, we need not have to answer the reference that is made to us by two Hon'ble Judges of this Court. Suffice to observe that by amendment to the Act, the legislature has taken care of lacuna that was found earlier insofar as the authority and the qualification that was required for appointment of teachers in pre-primary, primary, upper-primary,

secondary, senior secondary or intermediate school or college established and run by aided or recognized by the Central Government, the State Government or a local or other authority.

6. No other issues are canvassed before us.

7. The appeals/ petitions are disposed of accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[S.A. BOBDE]

.....J.
[ARUN MISHRA]

NEW DELHI,
APRIL 30 2015.

ITEM NO.103

COURT NO.1

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

Civil Appeal No(s). 1600/2011

STATE OF U.P. & ANR.

Appellant(s)

VERSUS

JITENDRA KUMAR SONI & ORS.

Respondent(s)

WITH

C.A. No. 2176/2011
(With Office Report)

C.A. No. 5311/2011
(With Office Report)

S.L.P. (C) ...CC No. 21051/2011
(With Office Report)

S.L.P. (C) ...CC No. 21763/2011
(With Office Report)

S.L.P. (C) ...CC No. 21768/2011
(With Office Report)

S.L.P. (C) ...CC No. 21916/2011
(With Office Report)

S.L.P. (C) ...CC No. 22085/2011
(With Office Report)

S.L.P. (C) ...CC No. 22408/2011
(With Office Report)

S.L.P. (C) ...CC No. 22440/2011
(With Office Report)

SLP(C) No. 3010/2012
(With Office Report)

SLP(C) No. 3011/2012
(With Office Report)

SLP(C) No. 3012/2012
(With Office Report)

SLP(C) No. 3013/2012
(With Office Report)

SLP(C) No. 5275/2012
(With Office Report)

SLP(C) No. 5276/2012
(With Office Report)

SLP(C) No. 7208/2012
(With Office Report)

SLP(C) No. 7209/2012
(With Office Report)

SLP(C) No. 7210/2012
(With Office Report)

C.A. No. 8888/2012
(With Interim Relief and Office Report)

SLP(C) No. 9144/2012
(With Interim Relief and Office Report)

SLP(C) No. 9336/2012
(With Interim Relief and Office Report)

SLP(C) No. 37286/2012
(With Interim Relief and Office Report)

SLP(C) No. 11751/2014
(With appln.(s) for c/delay in filing SLP and Office Report)

Date : 30/04/2015 These appeals/petitions were called
on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Vivek Vishnoi, Adv.
 Mr. M. R. Shamshad, Adv.
 Mr. Abhishek Shamra, Adv.

 Mr. C.D. Singh, Adv.

 Mr. Shrish Kumar Misra, Adv.

 Mr. R.K. Singh, Adv.
 Mr. Kumar Gaurav, Adv.
 Mr. Debasis Misra, Adv.

For Respondent(s) Dr. Kailash Chand, Adv.

 Mr. Siddharth Dave, Adv.
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 Mr. B.N. Dubey, Adv.
 Mr. Robin Khokhar, Adv.
 Mr. Rameshwar Prasad Goyal, Adv.

 Mr. Vipin Kumar Jai, Adv.

 Mr. Kaushal Yadav, Adv.
 Mr. Shailendra Singh, Adv.
 Mr. Aviral Kashyap, Adv.

 Mr. R.K. Singh, Adv.
 Mr. Umesh Chandra Mohanty, Adv.
 Mr. Hardev Singh, Adv.
 Mr. Sajith. P, Adv.

 Ms. Abha Jain, Adv.

 Mr. E.C. Vidya Sagar, Adv.

 Mr. Vishnu B. Saharya, Adv.
 for M/s Sahraya & Co., Adv.

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

SLP(C) No. 9144/2012, SLP(C) No. 9336/2012

Dismissed.

In rest of matters

Delay, if any, is condoned.

The appeals/petitions are disposed of
in terms of the signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]