

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 420 OF 2012 IN SLP(C) 10818/2012

TILAK RAJ Petitioner(s)

VERSUS

ARUN KUMAR GUPTA & ORS. Respondent(s)

Date: 26/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Mr. John Mathew, Adv.

For Respondent(s)

Mr. D.S. Chauhan, Adv.  
Ms. Ruchi Singh, Adv.  
Mr. Rajinder Juneja, Adv.

Mr. S.L. Bhayana, Sr. Adv.  
Dr. Monika Gusain, Adv.

Mr. Devashish Bharuka, Adv.

Mr. Narender Hooda, Sr. Adv.  
Ms. Anubha Agrawal, Adv.  
Mr. Ambuj Agarwal, Adv.

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

The contempt petition is disposed of in terms of the  
signed order.

| (VINOD LAKHINA) | | (INDU BALA KAPUR) |  
| COURT MASTER | | COURT MASTER |

(SIGNED ORDER IS PLACED ON THE FILE)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (CIVIL) NO.420 OF 2012

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 10818 OF 2012

TILAK RAJ

...PETITIONER

VERSUS

ARUN KUMAR GUPTA & ORS.

...RESPONDENTS

ORDER

We have heard learned counsel for the parties at length.

Without mentioning the factual background in detail, suffice it is to state that the State of Haryana has appointed 'Guest Teachers' without following regular recruitment procedure and these teachers have been allowed to continue. Their appointment and continuation became the subject matter of certain proceedings which landed in this Court as well.

In those matters, order dated 30th March, 2012 was passed with the following directions:

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"7. Having heard the learned Attorney General for India, Mr. Subramaniam and Mr. Vishwanathan, learned senior advocates, for the parties and also keeping in mind the submissions made by Mr. Vishwanathan, that the intention of the Division Bench of the High Court was that no further appointments of 'Guest Teachers' should be made after 1st April, 2012, and that the vacancies should be filled up by posting and reposting teachers in the different institutions, we feel that the two things should really be kept separate, notwithstanding the apprehension voiced by Mr. Vishwanathan, that this could lead to continuance of appointment of 'Guest Teachers'.

8. We make it very clear that as directed by the Division Bench of the High Court, no fresh appointments of 'Guest Teachers' will be made from 1st April, 2012. However, since students also cannot be made to suffer on account of the delay in the appointment of regular teachers, we direct that the exercise indicated in the scheme, must be completed within the time specified in the scheme and no further extension or deviation therefrom will be permitted.

9. Till then, the 'Guest Teachers' may be allowed to continue to function, as they have been doing so far."

It is the violation of the aforesaid directions, which is alleged by the petitioner in the present Contempt Petition. It is his plea that in spite of direction given in the aforesaid order

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dated 30th March, 2012 to the State of Haryana to make appointments of teachers on regular basis, the State through its officers who are arrayed as respondents/contemnors in the present petition are dilli dallying the matter with sole intention to continue with the engagement of 'Guest Teachers' in the meantime.

It is further argued that it has happened even when specific direction was given that exercise for appointment of regular teachers shall be completed as indicated in the Scheme and no further extension or deviation would be permitted.

The matter came up from time to time for hearing. The Haryana School Teachers Selection Board (hereinafter referred to as "the Board") is the authority which has to undertake the process of making selections and on the recommendation of the Board, Government is to make the appointments.

Though some officers of Haryana State Public Service Commission have also been impleaded as contemnors, it is accepted at the bar that the Haryana State Public Service Commission has no role in making selections of the school teachers.

...4/-

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The Chairman and Secretary of the Board are arrayed as contemnors Nos. 8 and 9. An additional affidavit dated 6th

February, 2014 is filed on behalf of these respondents Nos. 8 and 9. In this affidavit, it is explained that insofar as the Board is concerned, it has already undertaken and completed the selection process. However, the respondents are not able to make the appointment on the basis of the selection made by the Board in view of stay order granted by the High Court of Punjab & Haryana on 23rd October, 2013 in some writ petitions pending before it.

Having regard to the aforesaid facts, we are of the opinion that no further orders/directions are required to be passed in the matter, except clarifying that the appointments of the candidates, which are stated to have been already selected by the Board, shall be made once the embargo contained in the High Court's order dated 23rd October, 2013 is lifted. We impress upon and request the High Court to decide the said writ petitions as expeditiously as possible.

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We further make it clear that all future selection shall be made in accordance with the Scheme indicated in the affidavit dated 19th March, 2012 of Surina Rajan, Financial Commissioner & Principal Secretary to Government of Haryana, School Education Department, Chandigarh filed in C.W.P. No.7121 of 2010 before the High Court.

The contempt petition is disposed of in the above terms.

.....,J.  
(SURINDER SINGH NIJJAR)

.....,J.  
(A.K. SIKRI)

NEW DELHI  
MARCH 26, 2014