

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4973/2011

PARVATI DEVI

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO.4975/2011

O R D E R

Heard learned counsel for the parties.

The dispute involved in these two appeals relates to the process of recruitment conducted by the respondents in the year 2005 for appointment to the post of Siksha Mitras. In Civil Appeal No.4973/2011, the respondent No.5 was appointed and the appellant was not appointed. In the selection process, Appellant secured 52.63 per cent marks and the 5<sup>th</sup> respondent has secured 53.33 per cent marks.

The only ground of challenge is that in terms of experience, the appellant was better, in the sense that appellant's experience was more in point of time than the respondent No.5. The High Court in the impugned judgment has noted that, in fact, there were three other candidates who had secured more marks than the appellant and the respondent No.5 but they were excluded because they lacked previous experience. Therefore, the High Court has issued certain directions to the State of Uttar Pradesh to take remedial steps by making modifications to the government orders.

Learned counsel appearing for the State Government states that remedial steps were taken by the State Government by virtue of G.O. dated 06.03.2008. She also states that the Scheme of appointment of Shiksha Mitras has been abolished from the year 2011.

Considering the passage of time, now it will be unjust and unfair to interfere with the selection process of 2005 especially when the respondent no.5 had secured more marks than the appellant. Therefore, at this stage, no interference can be made with the impugned judgments.

While we dispose of the appeals, we make it clear that we are not giving imprimatur to the interpretation of the relevant government order(s) made by the High Court.

The appeals are accordingly dismissed. No order as to costs.

.....J  
(ABHAY S. OKA)

.....J  
(RAJESH BINDAL)

New Delhi,  
February 22, 2023

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4976/2011

PANKAJ DUBEY & ORS.

Appellant(s)

VERSUS

REKHA & ORS.

Respondent(s)

O R D E R

After having heard the learned counsel appearing for the respective parties, we find that the view taken by the learned single Judge and the Division Bench cannot be faulted with. The issue concerns with the appointment of Siksha Mitras. The process commenced on 03.03.2008 by publishing an advertisement. The qualifications prescribed were in terms of G.O. dated 24.04.2006 which recorded that preference would be given to persons having worked as non-formal instructors/supervisors. The appellants participated in the process.

The case of the writ petitioners before the learned single Judge of the High Court was that in terms of the qualifications laid down in G.O. dated 24.04.2006, their names

were disclosed in the tentative list of 163 persons notified on 20.05.2008. In the final list, the names of writ petitioners were not included. According to the counter affidavit filed on behalf of the State, before finalizing the list, the Government issued G.O. dated 06.05.2008 and the writ petitioners were not qualified in terms of said subsequent G.O.

Learned single Judge has quashed the select list/final list as it was prepared on the basis of G.O. issued subsequent to the date on which the process of selection commenced.

The view taken by the learned single Judge and confirmed by the Division Bench is consistent with the well-settled legal position.

Hence the appeal is dismissed. No order as to costs.

.....J  
(ABHAY S. OKA)

.....J  
(RAJESH BINDAL)

New Delhi,  
February 22, 2023

ITEM NO.102

COURT NO.17

SECTION III-A

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). 4973/2011

PARVATI DEVI

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(IA No. 184189/2018 - INTERVENTION APPLICATION  
IA No. 125361/2017 - INTERVENTION APPLICATION)

WITH

C.A. No. 4975/2011 (III-A)

(IA No. 5/2013 - APPL. FOR IMPLEADMENT FILED BY MR. ALOK SHUKLA

IA No. 3/2012 - APPL. FOR IMPLEADMENT FILED BY MR. SHAKIL AHMAD SY

IA No. 131927/2022 - EXEMPTION FROM FILING O.T.

IA No. 14/2017 - EXEMPTION FROM FILING O.T.

IA No. 13/2017 - EXEMPTION FROM FILING O.T.

IA No. 9/2016 - INTERVENTION APPLICATION

IA No. 131925/2022 - INTERVENTION APPLICATION

IA No. 7/2016 - INTERVENTION APPLICATION

IA No. 2/2011 - INTERVENTION APPLICATION

IA No. 12/2017 - INTERVENTION APPLICATION

IA No. 11/2017 - INTERVENTION APPLICATION

IA No. 10/2016 - INTERVENTION APPLICATION

IA No. 40592/2017 - INTERVENTION/IMPLEADMENT)

C.A. No. 4976/2011 (III-A)

Date : 22-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s)

Mr. Deepak Nargokar, Sr. Adv.

Mr. Deepak Nargolkar, Sr. Adv.

Mr. Syed Ahmed Saud, Adv.

Mr. Daanish Ahmed Syed, Adv.

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Mr. Mohd. Shahib, Adv.

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Mr. M.M.singh, Adv.

Mr. S.k.singh, Adv.

Mr. Dharmendra Kumar Sinha, AOR

For Respondent(s) Mr. Anupam Mishra, Adv.  
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 Ms. Archana Kumari, Adv.  
 Mr. Ankit Verma, Adv.  
 Mr. Anand Kumar Singh, Adv.  
 Mr. Satish Kumar, AOR

Mr. Rameshwar Prasad Goyal, AOR

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

The appeals are dismissed/disposed of in terms of the signed orders.

Pending applications, if any, including Applications for impleadment/intervention are disposed of.

(INDU MARWAH)  
 COURT MASTER (SH)

(POONAM VAID)  
 COURT MASTER (NSH)  
 (signed order is placed on the file)