

ITEM NO.1503
(For Judgment)

COURT NO.10

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.9529 OF 2017

(Arising out of SLP(C)No.32599 of 2015)

Petition(s) for Special Leave to Appeal (C) No(s). 32599/2015

STATE OF U.P & ANR. ETC.

Appellant(s)

VERSUS

ANAND KUMAR YADAV & ORS. ETC.

Respondent(s)

WITH

CIVIL APPEAL NO.9531-9542 OF 2017

(Arising out of SLP(C) No. 33328-33339/2015) (XI)

CIVIL APPEAL NO.9544 OF 2017

(Arising out of SLP(C) No. 36019/2015 (XI)

CIVIL APPEAL NO.9545 OF 2017

(Arising out of S.L.P.(C).19097 of 2017 @ CC No. 1621/2016 (XI)

CIVIL APPEAL NO.9557 OF 2017

(Arising out of SLP(C) No. 34093/2015 (XI)

CIVIL APPEAL NO.9576 OF 2017

(Arising out of SLP(C) No. 36016/2015 (XI)

CIVIL APPEAL NO.9571 OF 2017

(Arising out of SLP(C) No. 36033/2015 (XI)

CIVIL APPEAL NO.9574 OF 2017

(Arising out of SLP(C) No. 36009/2015 (XI)

CIVIL APPEAL NO.9575 OF 2017

(Arising out of SLP(C) No. 36031/2015 (XI)

CIVIL APPEAL NO.9573 OF 2017

(Arising out of SLP(C) No. 36032/2015 (XI)

CIVIL APPEAL NO.9572 OF 2017

(Arising out of SLP(C) No. 36007/2015 (XI)

CIVIL APPEAL NO.9584 OF 2017

(Arising out of SLP(C) No. 36014/2015 (XI)

CIVIL APPEAL NO.9581 OF 2017

(Arising out of SLP(C) No. 33235/2015 (XI)

CIVIL APPEAL NO.9570 OF 2017

(Arising out of SLP(C) No. 36015/2015 (XI))

CIVIL APPEAL NO.9569 OF 2017

(Arising out of SLP(C) No. 36006/2015 (XI))

CIVIL APPEAL NO.9577 OF 2017

(Arising out of SLP(C) No. 36003/2015 (XI))

CIVIL APPEAL NO.9583 OF 2017

(Arising out of SLP(C) No. 36012/2015 (XI))

CIVIL APPEAL NO.9585 OF 2017

(Arising out of SLP(C) No. 36021/2015 (XI))

CIVIL APPEAL NO.9580 OF 2017

(Arising out of SLP(C) No. 36025/2015 (XI))

CIVIL APPEAL NO.9582 OF 2017

(Arising out of SLP(C) No. 36020/2015 (XI))

CIVIL APPEAL NOS.9586-9587 OF 2017

(Arising out of SLP(C) Nos. 36262-36263/2015 (XI))

CIVIL APPEAL NO.9578 OF 2017

(Arising out of SLP(C) No. 36028/2015 (XI))

CIVIL APPEAL NO.9605 OF 2017

(Arising out of SLP(C) No. 36024/2015 (XI))

CIVIL APPEAL NO.9579 OF 2017

(Arising out of SLP(C) No. 35999/2015 (XI))

CIVIL APPEAL NO.9588 OF 2017

(Arising out of SLP(C) No. 16169/2016 (XI))

CIVIL APPEAL NO.9636 OF 2017

(Arising out of S.L.P.(C).19101 of 2017 @ CC No. 21726/2015 (XI))

CIVIL APPEAL NO.9589 OF 2017

(Arising out of SLP(C) No. 4515/2016 (XI))

CIVIL APPEAL NO.9696 OF 2017

(Arising out of S.L.P.(C)No.19103 of 2017 @ CC No. 21689/2015 (XI))

CIVIL APPEAL NO.9744 OF 2017

(Arising out of SLP(C) No. 7131/2016 (XI))

CIVIL APPEAL Nos.9697-9698 OF 2017

(Arising out of S.L.P.(C)No.19110-19111 of 2017 @ CC No.2397-2398/2016 (XI))

W.P. (C) No. 75/2016 (X)

W.P. (C) No. 112/2016 (X)

CIVIL APPEAL NO.9699 OF 2017

(Arising out of S.L.P. (C) No.19113 of 2017 @ CC No. 2678/2016 (XI)

CIVIL APPEAL NO.9606 OF 2017

(Arising out of SLP(C) No. 6858/2016 (XI)

W.P. (C) No. 109/2016 (X)

CIVIL APPEAL NO.9712-9714 OF 2017

(Arising out of SLP(C) No. 5137-5139/2016 (XI)

W.P. (C) No. 99/2016 (X)

CIVIL APPEAL NO.9717 OF 2017

(Arising out of S.L.P. (C) No.19122 of 2017 @ CC No. 3431/2016 (XI)

CIVIL APPEAL NO.9721 OF 2017

(Arising out of S.L.P. (C) no.19125 of 2017 @ CC No. 3304/2016 (XI)

CIVIL APPEAL NO.9722 OF 2017

(Arising out of S.L.P. (C) No.19130 of 2017 @ CC No. 3498/2016 (XI)

W.P. (C) No. 104/2016 (X)

W.P. (C) No. 121/2016 (X)

CIVIL APPEAL NO.9723 OF 2017

(Arising out of S.L.P. (C) No.19135 of 2017 @ CC No. 3574/2016 (XI)

W.P. (C) No. 102/2016 (X)

CIVIL APPEAL Nos.9724-9727 OF 2017

(Arising out of SLP(C) No. 10228-10231/2016 (XI)

CIVIL APPEAL Nos.9728-9731 OF 2017

(Arising out of SLP(C) Nos. 8511-8514/2016 (XI)

CIVIL APPEAL NO.9733-9736 OF 2017

(Arising out of S.L.P. (C) No.19138-19141 of 2017 @ CC No. 5273-5276/2016) (XI)

CIVIL APPEAL Nos.9756-9759 OF 2017

(Arising out of SLP(C) Nos. 20444-20447/2016 (XI)

CIVIL APPEAL NO.9737-9739 OF 2017

(Arising out of S.L.P. (C) No.19143-19145 of 2017 @ CC No.5270-5272/2016) (XI)

CIVIL APPEAL Nos.9740-9743 OF 2017

(Arising out of SLP(C) Nos. 10224-10227/2016 (XI)

CIVIL APPEAL NO.9745 OF 2017

(Arising out of S.L.P.(C)No.19147 of 2017 @ CC No. 19839/2016) (XI)

W.P. (C) No. 120/2016 (X)

W.P. (C) No. 124/2016 (X)

W.P. (C) No. 149/2016 (X)

CIVIL APPEAL Nos.9746-9747 OF 2017

(Arising out of SLP(C) No. 19837-19838/2016 (XI)

W.P. (C) No. 188/2016 (X)

W.P. (C) No. 158/2016 (X)

W.P. (C) No. 176/2016 (X)

W.P. (C) No. 215/2016 (X)

W.P. (C) No. 206/2016 (X)

CIVIL APPEAL NO.9748 OF 2017

(Arising out of S.L.P. (C)No.19148 of 2017 @ CC No. 9624/2016 (XI)

W.P. (C) No. 244/2016 (X)

CIVIL APPEAL NO.9749 OF 2017

(Arising out of S.L.P. (C)No.19155 of 2017 @ CC No. 10257/2016 (XI)

W.P. (C) No. 276/2016 (X)

W.P. (C) No. 287/2016 (X)

CIVIL APPEAL NO.9751 OF 2017

(Arising out of S.L.P. (C)No.19156 of 2017 @ CC No. 14277/2016 (XI)

CONMT.PET. (C) No. 453/2016 In C.A. No. 4347-4375/2014

W.P. (C) No. 605/2016 (X)

CIVIL APPEAL NO.9752 OF 2017

(Arising out of S.L.P. (C)No.19158 of 2017 @ CC No. 14057/2016 (XI)

CIVIL APPEAL NO.9753 OF 2017

(Arising out of S.L.P. (C)No.19159 of 2017 @ CC No. 14058/2016 (XI)

CIVIL APPEAL NO.9754 OF 2017

(Arising out of S.L.P. (C)NO.19160 of 2017 @ CC No. 15298/2016) (XI)

CIVIL APPEAL NO.9755 OF 2017

(Arising out of S.L.P. (C)No.19161 of 2017 @ CC No. 15910/2016 (XI)

W.P. (C) No. 826/2016 (X)

CONMT.PET. (C) No. 781/2016 In C.A. No. 4347-4375/2014

W.P. (C) No. 915/2016 (X)

Cont. Pet. (C) No. 928 of 2017 in W.P. (C) No. 167 of 2015 (X)

Date : 25-07-2017 These matters were called on for pronouncement of judgment today.

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Petitioner(s)

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M/s Aura & Co.
 Mr. R. P. Wadhwani, AOR
 Mr. Ravi Prakash Mehrotra, AOR
 Mr. Gurmeet Singh Makker, AOR

Hon'ble Mr. Justice Adarsh Kumar Goel pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Uday Umesh Lalit.

Permission to file the special leave petition(s) is granted. Delay, if any, is also condoned.

Leave granted in the special leave petitions.

In terms of the signed Reportable Judgment, these matters are disposed of:

"25. On the one hand, we have the claim of 1.78 Lakhs persons to be regularized in violation of law, on the other hand is the duty to uphold the rule of law and also to have regard to the right of children in the age of 6 to 14 years to receive quality education from duly qualified teachers. Thus, even if for a stop gap arrangement teaching may be by unqualified teachers, qualified teachers have to be ultimately appointed. It may be permissible to give some weightage to the experience of *Shiksha Mitras* or some age relaxation may be possible, mandatory qualifications cannot be dispensed with. Regularization of *Shiksha Mitras* as teachers was not permissible. In view of this legal position, our answers are obvious. We do not find any error in the view taken by the High Court.

26. Question now is whether in absence of any right in favour of *Shiksha Mitras*, they are

entitled to any other relief or preference. In the peculiar fact situation, they ought to be given opportunity to be considered for recruitment if they have acquired or they now acquire the requisite qualification in terms of advertisements for recruitment for next two consecutive recruitments. They may also be given suitable age relaxation and some weightage for their experience as may be decided by the concerned authority. Till they avail of this opportunity, the State is at liberty to continue them as Shiksha Mitras on same terms on which they were working prior to their absorption, if the State so decides.

27. Accordingly, we uphold the view of the High Court subject to above observations. All the matters will stand disposed of accordingly."

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
ASSISTANT REGISTRAR

(Signed Reportable judgment is placed on the file)