

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 167 OF 2015

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)
WITH

INTERLOCUTORY APPLICATION NO. 2

(APPLICATIONS FOR DIRECTION)

AND

INTERLOCUTORY APPLICATION NOS. 3 & 11

(APPLICATIONS FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION)

AND

INTERLOCUTORY APPLICATION NOS. 4, 5, 6, 7, 9, 10 & 12

(APPLICATIONS FOR IMPLEADMENT)

AND

INTERLOCUTORY APPLICATION NO. 8

(APPLICATIONS FOR INTERVENTION)

HIMANSHU RANA & ORS.

...PETITIONERS

-VERSUS-

UNION OF INDIA & ORS.

...RESPONDENTS

OFFICE- REPORT

It is submitted that the writ petition alongwith application above-mentioned was listed before the Hon'ble Court along with other connected matters on 06.07.2015, when the Court was peased to pass the following order:

"Hearing resumed.

Let the matter be listed for further hearing at 2.00 p.m. on 27.07.2015.

Mr. Venkataramani, learned senior counsel for the State shall file a convenience volume. He shall also file the Rules that is in vogue in other States. We have given the direction for production of the Rules solely for the purpose of perusal.

I.A. NOS.2 & 3 IN WRIT PETITION (CIVIL) NO.167 OF 2015

Mr. Anand Nandan, learned counsel for the applicant, has submitted that Shiksha Mitras who have not passed the Teachers Eligibility Test (TET) have been appointed as teachers in schools contrary to the guidelines issued by the NCTE and also contrary to the Rules framed by the State. He has drawn our attention to the letter No.2253/79-5-2014-282/98 dated 19th June, 2014 issued

..2/-

by the Secretary, Basic Education, Government of U.P. On a scrutiny of the same, we find that there is no mention of passing of the eligibility test. However, there is a direction for appointment of Shiksha Mitras in the post of Assistant Teachers in schools being run by the U.P. Basic Education Council.

The learned counsel for the State shall file an affidavit in respect of the said letter within ten days hence. The affidavit shall contain the details as to how many Shiksha Mitras have been appointed without passing the TET.

The Secretary and the Special Secretary of the Basic Education, Government of UP shall remain personally present at 2.00 p.m. on 27.07.2015 failing which, they will be liable for contempt of this Court. Needless to emphasise, the State Government shall not appoint any Shiksha Mitras, who have not qualified in the TET on the post of the Assistant Teacher.

Dasti order permitted."

It is further submitted that pursuant to the aforesaid order, Mr. Siboo Sankar Mishra, advocate has filed counter affidavit alongwith vakalatnama on behalf of state of U.P. i.e. Respondent No.3. Certified copy of the order was issued to all the concerned authorities for information, necessary action and compliance.

It is further submitted that Mr. V.N. Raghupathy, Mr. R.P. Wadhvani, Mr. Mohan Lal Sharma, Mr. Satyajeet Kumar, Ms. Ranjeeta Rohatgi, and Ms. Asha Gopalan Nair, Advocates have filed applications for impleadment on behalf of applicants, which have been registered as I.A. nos. 4, 5, 6, 7, 9, 10 & 12 of 2015 respectively. Ms. Manju Jetley, Advocate has filed application for intervention on behalf of 52 applicants and the same has been registered as I.A. No. 9 of 2015. Mr. Satyajeet Kumar, Advocate has also filed application for exemption from filing official translation, which has been registered as I.A. no. 11 (copies of all the applications are being circulated herewith).

It is further submitted that Mr. R.P. Wadhvani and Ms. Manju Jetley, Advocates have also filed applications for direction and with application for exemption from filing official translation along with the applications for impleadment/ intervention above-mentioned, which are being circulated as unregistered.

Service of notice is not complete on Respondent Nos.1 & 2.

The writ petition alongwith application above-mentioned is listed before the Hon'ble Court with this office report.

Dated this the 24th day of July, 2015.

ASSISTANT REGISTRAR

Copy to:

Mr. Amit Pawan, Advocate
Mr. V.N. Raghupathy, Advocate
Mr. R.P. Wadhvani, Advocate
Mr. Mohan Lal Sharma, Advocate
Mr. Satyajeet Kumar, Advocate
Ms. Ranjeeta Rohatgi, Advocate
Ms. Manju Jetley, Advocate

ASSISTANT REGISTRAR