

ITEM NO.1501  
(For Judgment)

COURT NO.10

SECTION III-A

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

Civil Appeal No(s). 4347-4375/2014

STATE OF U.P & ORS.

Appellant(s)

VERSUS

SHIV KUMAR PATHAK & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO.9708 OF 2017

(Arising out of SLP(C) No.1672/2014) (XI)

CIVIL APPEAL NO.9709 OF 2017

(Arising out of SLP(C) No.1674/2014) (XI)

CIVIL APPEAL NO.9707 OF 2017

(Arising out of SLP(C) No.62/2014) (XI)

C.A. No. 4376/2014 (III-A)

CIVIL APPEAL NO.9704 OF 2017

(Arising out of SLP(C) No.11671/2014) (XI)

CIVIL APPEAL NO.9705 OF 2017

(Arising out of SLP(C) No.11673/2014) (XI)

CIVIL APPEAL NO.9530 OF 2017

(Arising out of S.L.P.(C) No.19087 of 2017 @ CC No. 10408/2014)  
(XI)

W.P.(C) No. 89/2015 (X)

W.P.(C) No. 135/2015 (PIL-W)

CONMT.PET.(C) No. 199/2015 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 399/2015 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 191/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 262/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 192/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 190/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 189/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 263/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 264/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 265/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 266/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 285/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 286/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 287/2016 In C.A. No. 4347-4375/2014

CONMT.PET.(C) No. 290/2016 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 452/2016 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 454/2016 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 537/2016 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 538/2016 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 752/2016 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 776/2016 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 780/2016 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 607/2017 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 626/2017 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 627/2017 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 651/2017 In C.A. No. 4347-4375/2014  
 CONMT.PET.(C) No. 652/2017 In C.A. No. 4347-4375/2014

W.P.(C)No.100 of 2016

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

For Appellant(s)/  
Petitioner(s)

Mr. Rakesh Mishra, AOR  
 Mr. Anjani Kumar Mishra, AOR  
 Ms. Preetika Dwivedi, AOR  
 Ms. Abha R. Sharma, AOR  
 Mr. Vipin Kumar Jai, AOR  
 Mr. Amit Pawan, AOR  
 Mr. Satyajeet Kumar, AOR  
 Mr. Kailash Chand, AOR  
 Mr. Raj Singh Rana, AOR  
 Mr. Anupam Mishra, AOR  
 Mr. Rakesh Uttamchandra Upadhyay, AOR  
 Mr. Sanjay Kumar Tyagi, AOR  
 Mrs. Sudha Gupta, AOR  
 Mr. Garvesh Kabra, AOR  
 Mr. Rameshwar Prasad Goyal, AOR  
 Mr. Ankur Yadav, AOR  
 Ms. Asha Gopalan Nair, AOR  
 Mr. Deepak Anand, AOR  
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 Mr. Sajith. P, AOR  
 Ms. Manju Jetley, AOR  
 Mr. Jinendra Jain, AOR  
 Ms. Kamakshi S. Mehlwal, AOR  
 Mr. Deepak Goel, AOR  
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For Respondent(s)

Mr. Rameshwar Prasad Goyal, AOR  
 Mr. Rohit Singh, AOR  
 Mr. Garvesh Kabra, AOR  
 Mr. Satya Mitra Garg, AOR  
 Mr. M. R. Shamshad, AOR

Mr. Gopal Singh, AOR  
Ms. Abha R. Sharma, AOR  
Mrs. K. Sarada Devi, AOR  
Mr. Vishwa Pal Singh, AOR  
Mr. Amit Pawan, AOR  
Mr. Vivek Singh, AOR  
Mr. Alok Gupta, 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:

"18. Vide interim order dated 25<sup>th</sup> March, 2014, this Court directed the State of Uttar Pradesh to fill up the vacancies of Assistant Teachers in terms of the impugned judgment. Thereafter, on 17<sup>th</sup> December, 2014, the said order was modified and the State was directed to appoint candidates whose names were not involved in malpractices in the TET test and who had obtained 70% marks (65% for SC, ST, OBC and physically handicapped or any other category covered by the Government policy for reservation). 54,464 posts have already been filled up in compliance of the orders of this Court. The said appointments were subject to result of these matters. It was also observed that if anyone without TET qualification is appointed his services will be terminated. Vide order dated 2<sup>nd</sup> November, 2015 it was noted that against 72,825 posts which were advertised, 43,077 candidates had completed training and were working while 15,058 candidates were undergoing training. Around 14,690 posts were vacant. It was further observed that candidates who had the required percentage of marks in terms of order dated 27<sup>th</sup> July, 2015 were to file their applications and a Committee constituted for the said purpose could verify such percentage and if parity was found the same benefit could be extended.

19. We have been informed that 66,655 teachers

have already been appointed in pursuance of the interim orders of this Court. Having regard to the entirety of circumstances, we are not inclined to disturb the same. We make it clear that the State is at liberty to fill up the remaining vacancies in accordance with law after issuing a fresh advertisement.

20. The matters will stand disposed of in above terms."

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)