

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

STATE OF U.P & ORS

Appellant(s)

VERSUS

SHIV KUMAR PATHAK & ORS

Respondent(s)

(with appln. (s) for directions and exemption from filing O.T. and impleadment and intervention and permission to appear and argue in person and office report)

WITH

SLP(C) No. 62/2014

(With appln.(s) for intervention and impleadment and impleadment and Interim Relief and Office Report)

SLP(C) No. 1672/2014

(With Interim Relief and Office Report)

SLP(C) No. 1674/2014

(With Office Report)

C.A. No. 4376/2014

(With appln.(s) for impleadment and impleadment/intervention and intervention and impleadment and impleadment and impleadment as petitioner and impleadment and Interim Relief and Office Report)

S.L.P.(C)...CC No. 10408/2014

(With appln.(s) for impleadment and directions and impleadment and directions and impleadment as petitioner and intervention and impleadment as petitioner and Office Report)

SLP(C) No. 11671/2014

(With appln.(s) for impleadment and impleadment and impleadment and exemption from filing O.T. and directions and impleadment and impleadment and impleadment and de-tagging and Office Report)

SLP(C) No. 11673/2014

(With appln.(s) for impleadment and Office Report)

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

(With appln.(s) for directions and impleadment and directions and impleadment and impleadment and directions and Office Report)

W.P.(C) No. 167/2015

(With appln.(s) for impleadment and exemption from filing O.T. and impleadment and intervention and impleadment and impleadment and directions and impleadment and impleadment and impleadment and impleadment and impleadment and impleadment and directions and directions and permission to appear and argue in person and intervention and impleadment and impleadment and de-tagging and directions and impleadment and impleadment and impleadment and impleadment and impleadment and directions and impleadment and impleadment and

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

(With Office Report)

SLP(C) No. 14386/2015

With appln.(s) for permission to submit additional document(s) and impleadment and directions and impleadment and exemption from filing O.T. and impleadment and impleadment and exemption from filing O.T. and permission to submit additional document(s) and impleadment and impleadment and impleadment and impleadment and impleadment and directions and impleadment and impleadment and

impleadment and Interim Relief and Office Report)  
CONMT.PET.(C) No. 399/2015 In C.A. No. 4347-4375/2014  
(With appln.(s) for impleadment and Interim Relief and Office  
Report)  
W.P.(C) No. 89/2015  
(With appln.(s) for exemption from filing O.T. and exemption from  
filing O.T. and permission to place addl. documents on record and  
Office Report)  
SLP(C) No. 36020/2015  
(With Office Report)  
SLP(C) No. 36009/2015  
With appln.(s) for impleadment and impleadment and impleadment and  
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SLP(C) No. 36031/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 36007/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 32599/2015  
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SLP(C) No. 36032/2015  
(With appln.(s) for impleadment and Interim Relief and Office  
Report)  
SLP(C) No. 36016/2015  
(With appln.(s) for exemption from filing O.T. and permission to  
submit additional document(s) and exemption from filing O.T. and  
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Interim Relief and Office Report)  
SLP(C) No. 36012/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 36015/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 33328-33339/2015  
(With appln.(s) for exemption from filing O.T. and permission to  
submit additional document(s) and Interim Relief and Office Report)  
SLP(C) No. 36003/2015  
(With appln.(s) for exemption from filing c/c of the impugned  
judgment and Interim Relief and Office Report)  
SLP(C) No. 36006/2015  
(With appln.(s) for intervention and Interim Relief and Office  
Report)  
SLP(C) No. 35999/2015  
(With Interim Relief and Office Report)

SLP(C) No. 36025/2015  
(With appln.(s) for impleadment and Office Report)  
SLP(C) No. 33235/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 36028/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 36014/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 36024/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 36021/2015  
(With appln.(s) for permission to file SLP and Interim Relief and Office Report)  
SLP(C) No. 36019/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 34093/2015  
(With Interim Relief and Office Report)  
SLP(C) No. 36262-36263/2015  
(With appln.(s) for intervention and impleadment and impleadment  
  
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S.L.P.(C)...CC No. 21726/2015  
(With appln.(s) for permission to file SLP and Interim Relief and Office Report)  
S.L.P.(C)...CC No. 21689/2015  
(With appln.(s) for permission to file SLP and Interim Relief and Office Report)  
SLP(C) No. 6858/2016  
(With appln.(s) for c/delay in filing SLP and Office Report)  
SLP(C) No. 4515/2016  
(With Interim Relief and Office Report)  
SLP(C) No. 5137-5139/2016  
(With appln.(s) for impleadment and Office Report)  
W.P.(C) No. 75/2016  
(With appln.(s) for impleadment and exemption from filing O.T. and Office Report)  
S.L.P.(C)...CC No. 3304/2016  
(With appln.(s) for seeking permission to amend the special leave petition and impleadment and for permission to file SLP and Office Report)  
S.L.P.(C)...CC No. 1621/2016  
(With appln.(s) for permission to file SLP and Office Report)  
W.P.(C) No. 100/2016  
(With appln.(s) for exemption from filing O.T. and Office Report)  
S.L.P.(C)...CC No. 3498/2016  
(With appln.(s) for permission to file SLP and Office Report)  
W.P.(C) No. 104/2016  
(With appln.(s) for exemption from filing O.T. and Office Report)  
W.P.(C) No. 107/2016  
(With appln.(s) for exemption from filing O.T. and Interim Relief and Office Report)  
W.P.(C) No. 109/2016  
(With Office Report)  
W.P.(C) No. 112/2016  
(With Office Report)  
S.L.P.(C)...CC No. 2397-2398/2016  
(With appln.(s) for permission to file SLP and Office Report)  
W.P.(C) No. 99/2016  
(With appln.(s) for exemption from filing O.T. and Office Report)  
W.P.(C) No. 102/2016  
(With appln.(s) for exemption from filing O.T. and Office Report)  
S.L.P.(C)...CC No. 2678/2016  
(With appln.(s) for c/delay in filing SLP and Office Report)  
SLP(C) No. 7131/2016  
(With appln.(s) for impleadment and appln.(s) for c/delay in filing

SLP and Office Report)  
S.L.P.(C)...CC No. 5270-5272/2016  
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S.L.P.(C)...CC No. 5273-5276/2016  
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SLP(C) No. 10228-10231/2016  
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SLP(C) No. 8511-8514/2016  
(With Office Report)  
SLP(C) No. 10224-10227/2016  
(With Office Report)  
CONMT.PET.(C) No. 262/2016 In C.A. No. 4347-4375/2014  
(With Office Report)  
CONMT.PET.(C) No. 265/2016 In C.A. No. 4347-4375/2014  
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CONMT.PET.(C) No. 264/2016 In C.A. No. 4347-4375/2014  
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CONMT.PET.(C) No. 263/2016 In C.A. No. 4347-4375/2014  
(With Office Report)  
CONMT.PET.(C) No. 266/2016 In C.A. No. 4347-4375/2014  
(With Office Report)  
CONMT.PET.(C) No. 192/2016 In C.A. No. 4347-4375/2014  
(With Office Report)  
CONMT.PET.(C) No. 191/2016 In C.A. No. 4347-4375/2014  
(With appln.(s) for exemption from filing O.T. and Office Report)  
CONMT.PET.(C) No. 189/2016 In C.A. No. 4347-4375/2014  
(With Office Report)  
CONMT.PET.(C) No. 190/2016 In C.A. No. 4347-4375/2014  
(With appln.(s) for exemption from filing O.T. and Office Report)  
CONMT.PET.(C) No. 287/2016 In C.A. No. 4347-4375/2014  
(With Office Report)  
CONMT.PET.(C) No. 286/2016 In C.A. No. 4347-4375/2014  
(With Office Report)  
CONMT.PET.(C) No. 285/2016 In C.A. No. 4347-4375/2014  
(With appln.(s) for exemption from filing O.T. and Office Report)  
SLP(C) No. 36033/2015  
(With appln.(s) for directions and impleadment and impleadment and  
exemption from filing O.T. and permission to submit additional  
document(s) and impleadment and Interim Relief and Office Report)  
CONMT.PET.(C) No. 290/2016 In C.A. No. 4347-4375/2014  
(With Interim Relief and Office Report)  
W.P.(C) No. 206/2016  
(With Office Report)  
W.P.(C) No. 158/2016  
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filing O.T. and Office Report)  
W.P.(C) No. 176/2016  
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W.P.(C) No. 287/2016  
(With Office Report)  
W.P.(C) No. 215/2016  
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Office Report)  
W.P.(C) No. 188/2016  
(With appln.(s) for impleadment and for impleadment and for  
exemption from filing O.T. and Office Report)  
W.P.(C) No. 120/2016

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W.P.(C) No. 244/2016  
(With appln.(s) for exemption from filing O.T. and Office Report)  
W.P.(C) No. 276/2016  
(With Office Report)  
W.P.(C) No. 149/2016  
(With appln.(s) for exemption from filing O.T. and Office Report)

S.L.P.(C)...CC No. 3431/2016  
(With appln.(s) for permission to file SLP and Office Report)  
S.L.P.(C)...CC No. 10257/2016  
(With appln.(s) for permission to file SLP and Office Report)  
SLP(C) No. 16169/2016  
(With Interim Relief and Office Report)  
S.L.P.(C)...CC No. 3574/2016  
(With (With appln.(s) for permission to file SLP and appln.(s) for  
permission to submit additional document(s) and Office Report)  
S.L.P.(C)...CC No. 13922/2016  
(With appln.(s) for permission to file SLP and Interim Relief and  
Office Report)  
CONMT.PET.(C) No. 452/2016 In C.A. No. 4347-4375/2014  
(With Interim Relief and Office Report)  
CONMT.PET.(C) No. 453/2016 In C.A. No. 4347-4375/2014  
(With Interim Relief and Office Report)  
CONMT.PET.(C) No. 454/2016 In C.A. No. 4347-4375/2014  
(With Interim Relief and Office Report)  
S.L.P.(C)...CC No. 14057/2016  
(With appln.(s) for permission to file SLP and Office Report)  
S.L.P.(C)...CC No. 14058/2016  
(With appln.(s) for permission to file SLP and Office Report)  
S.L.P.(C)...CC No. 9624/2016  
(With appln.(s) for impleadment and permission to file SLP and  
Office Report)  
W.P.(C) No. 121/2016  
(With appln.(s) for impleadment and intervention and directions and  
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W.P.(C) No. 124/2016  
(With appln.(s) for exemption from filing O.T. and intervention and  
Office Report)  
SLP(C) No. 19837-19838/2016  
(With Office Report)  
SLP(C) No. 20444-20447/2016  
(With appln.(s) for c/delay in filing SLP and Office Report)  
S.L.P.(C)...CC No. 14277/2016  
(With appln.(s) for c/delay in filing SLP and Office Report)  
W.P.(C) No. 605/2016  
(With appln.(s) for exemption from filing O.T. and Office Report)  
S.L.P.(C)...CC No. 15298/2016  
(With Appln.(s) for permission to file SLP and Office Report)  
Date : 24/08/2016 These appeals were called on for hearing today.  
CORAM : HON&#39;BLE MR. JUSTICE DIPAK MISRA  
HON&#39;BLE MR. JUSTICE C. NAGAPPAN

CA Nos. 4347-4375/2014 7  
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Mr. Gaurav Bhatia, AAG,  
Mr. Saral Chaturvedi, Adv.  
Mr. Anjani Kumar Mishra, AOR  
Ms. Preetika Dwivedi, AOR  
Mr. Siddartya Dave, Adv.  
Mr. R.K. Singh, Adv.  
Mr. Tom Joseph, Adv.  
Mr. Anthony M., Adv.  
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Mr. B.N. Dubey, Adv.  
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Mr. Vijay Pal, Adv.

Mr. Nasir Hussain, Adv.  
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Mr. Shakti Singh Dhakray, Adv.  
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    Mr. Garvesh Kabra, AOR  
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Mr. Ravindra Bana, Sr. Adv.  
Mr. Jayant Bhushan, Sr. Adv.  
Mr. Arvind Srivastav, Adv.  
Mr. T.D. Bhaskar, Adv.  
Mr. Rajendra Chaudhary, Adv.  
Mr. Jayant Mehta, Adv.  
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    Mr. Satyajeet Kumar, AOR

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    Mr. Kanishka Prasad, Adv.  
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    Mr. C.S. Rajan, Sr. Adv.  
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    Ms. S. Janani, AOR  
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    Mr. S.R. Singh, Sr. Adv.  
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Mr. Nishit Agrawal, Adv.  
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    Mr. Narender Kumar Verma, AOR  
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Ms. Suresh Kumari, Adv.  
Mr. Raj Kamal, Adv.

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    Mr. S.R. Setia, AOR

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Mr. Shivpati B. Pandey, Adv.

Mr. V.N. Raghupathy, AOR

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Mr. Amit Sibbal, Sr. Adv.  
Mr. Ajay Srivastava, Adv.  
Mr. Ravindra Tripathi, Adv.  
Mr. Ashish Mishra, Adv.  
Mr. Ajay Kumar Srivastava, Adv.  
Mr. Rakesh Thakur, Adv.  
Mr. Dinesh Kumar Tiwary, Adv.  
Mr. Chandan Kumar, Adv.

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Mr. Rabin Majumder, AOR  
Mr. K.N. Rai, AOR  
Mr. Ajayinder Sangwan, Adv.

Mr. Tarunesh kumar, Adv.  
Mr. Anirudh Kumar, Adv.  
Mr. Vijay Pratap Singh, Adv.  
Mr. Kunal Chopra, Adv.  
Mr. Rohan Sharma, Adv.  
Mr. Dham Singh, Adv.  
Mr. S.N. Sharma, Adv.  
Mr. V.K. Mishra, Adv.  
Mr. Kundan Kumar Lal, AOR  
Mr. Sunil Pandey, Adv.

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Mr. Vijay P. Yadav, Adv.  
Mr. Pradeep Kumar Yadav, Adv.  
Mr. Ashutosh Yadav, Adv.  
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Mr. Karunakar Mahalik, Adv.  
Mr. Pramod Kumar Gupta, Adv.  
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Ms. Surbhi Kapoor, Adv.  
Mr. Prateek Bhatia, Adv.  
Mr. Dhawal Mohan, Adv.  
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Ms. Priya Hingorani, Adv.  
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Mr. Ram Anugrah Singh, Adv.  
Mr. Vipin Kumar Sharma, Adv.  
Mr. Raghuvir Sharma, Adv.  
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Dr. Rajeev Sharma, AOR  
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Mr. Neeraj Shekar, Adv.

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Mr. M.K. Maroria, Adv.  
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Ms. Purnima Jauhari, Adv.  
Mr. Prakash Kumar Singh, AOR  
Mr. Satpal Singh, AOR  
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    Mr. Pankaj Kumar Singh, Adv.  
Ms. Rinku Mishra, Adv.  
Mr. Raj Singh Rana, AOR  
    Mr. Navin Prakash, AOR  
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UPON hearing the counsel the Court made the following

O R D E R

The special leave petitions and writ petitions which relate to the grievance of Shiksha Mitras be listed on 23.11.2016.

If any order has been passed requiring the State to file any affidavit, the State shall do so within four weeks hence.

Needless to say, all other contesting parties are entitled to file their affidavits.

This Court on 7.12.2015 and 24.2.2016 had passed certain interim orders. Learned counsel for the petitioners, who are the beneficiaries of the said orders, have raised the grievance that the orders passed by this Court have not yet been complied with by the State.

Mr. Dinesh Dwivedi, learned senior counsel shall file an affidavit of the competent authority, preferably the Secretary of the Department concerned, how they are going to comply with them or is there any real difficulty in complying with them. Be it clarified, the stand of the State shall be addressed only at the time of final hearing.

Be it stated, in course of hearing we have found that a series of Interlocutory Applications seeking similar reliefs have been filed. Some of the learned counsel appearing for the parties submitted that regard being had to the earlier orders, especially order dated 24.2.2016, the matter shall be heard on merits.

We have already adjourned the special leave petitions and writ

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petitions pertaining to Shiksha Mitras to 23.11.2016. In our considered opinion, this batch of matters should be heard earlier than that.

In view of the aforesaid, let the matters be listed on 5.10.2016. The matter shall be taken up as the first case on the

Board. When the matter shall be taken up for final hearing, all status reports shall be taken into consideration.

Let a copy of Writ Petition No.102 of 2016 be served on Mr. Dinesh Dwivedi, being assisted by Mr. Abhisht Kumar, learned counsel for the State so that he will be in a position to obtain instructions in the matter.

Civil Appeal Nos.4347-4375 of 2014 filed by the State shall be heard. Registry is directed to list the matters accordingly on the date fixed, that is, 05.10.2016.

(Gulshan Kumar Arora) (H.S. Parasher)

Court Master Court Master