

ITEM NO.5

COURT NO.4

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(s). 4347-4375/2014

STATE OF U.P & ORS

Appellant(s)

VERSUS

SHIV KUMAR PATHAK & ORS

Respondent(s)

(With appln.(s) for impleadment, exemption from filing O.T., permission to file additional documents, directions, intervention, impleadment as party respondent, modification, clarification, permission to appear and argue in person and office report)
(For final disposal)

WITH

SLP(C) No. 62/2014

(With 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/intervention and Interim Relief and Office Report)

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

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

SLP(C) No. 11671/2014

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

SLP(C) No. 11673/2014

(With Office Report)

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

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

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

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

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 exemption from filing O.T. and permission to submit additional document(s) and Interim Relief and Office Report)
CONMT.PET.(C) No. 399/2015 In C.A. No. 4347-4375/2014

(With Interim Relief and Office Report)

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

(With appln.(s) for permission to place addl. documents on record and exemption from filing O.T. and exemption from filing O.T. and Office Report)

SLP(C) No. 36262-36263/2015

(With appln.(s) for impleadment and intervention and intervention and c/delay in filing SLP and Office Report)

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)

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

(With appln.(s) for exemption from filing O.T. and Office Report)

S.L.P.(C)...CC No. 3304/2016

(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)

S.L.P.(C)...CC No. 3574/2016

(With appln.(s) for permission to file SLP and Office Report)

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

(With appln.(s) for exemption from filing O.T. and Office Report)

SLP(C) No. 36020/2015

(With Office Report)

SLP(C) No. 36009/2015

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

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

(With appln.(s) for intervention and intervention and intervention and intervention and exemption from filing O.T. and permission to submit additional document(s) and intervention and Interim Relief and Office Report)

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 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 Interim Relief and Office Report)

SLP(C) No. 35999/2015

(With Interim Relief and Office Report)

SLP(C) No. 36025/2015

(With 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. 4515/2016

(With Interim Relief and Office Report)

S.L.P.(C)...CC No. 1621/2016

(With appln.(s) for permission to file SLP and Office Report)

SLP(C) No. 36033/2015

(With appln.(s) for exemption from filing O.T. and permission to submit additional document(s) and impleadment and Interim Relief and Office Report)

Date : 24/02/2016 These appeals were called on for hearing today.

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

Having heard learned counsel for the parties, we are inclined to continue the order of stay as far as the continuance of the *Shiksha Mitras* are concerned. The stay order shall remain operative until further orders.

Registry is directed to register all the interlocutory applications filed in the appeals, special leave petitions or writ petitions. In these interlocutory applications, the grievance which has been canvassed is issue that though they stand on the similar footing with the applicants which have been granted the benefit by the previous order dated 07.12.2015, the State has not

considered their cases.

Let copies of the interlocutory applications be served on Mr. Gaurav Bhatia within a week hence. It is directed that the State shall consider the applicants in the said interlocutory applications or the names that find place in the said interlocutory applications on the parameters which were fixed on the last occasion. The said exercise shall be completed within ten weeks hence.

At this juncture, it is submitted by Mrs. K. Sharda Devi, learned counsel, that she has not filed any IA but she represents some of the respondents in Civil Appeal Nos.4347-4375 of 2014. The learned counsel is granted leave to serve a list of the names on Mr. Gaurav Bhatia within a week hence and the State shall do the needful within the period as stipulated hereinabove.

We will be failing in our duty, if we do not note the grievance made by various parties who have filed different interlocutory applications, special leave petitions and writ petitions before this Court. Additionally, there is a grievance that parties who are respondents in the civil appeals or the special leave petitions have not been considered for some technical reason or the other. Regard being had to the same, we permit the learned counsel appearing for the applicants in the interlocutory applications petitioners/respondents in the writ petitions, special leave petitions or civil appeals to give their respective lists to Mr. Gaurav Bhatia within a week hence. The interlocutory applications, writ petitions, special leave petitions or civil appeals which have been filed till today and have been directed to be registered shall only be considered by the State and the names of the respondents in the special leave petitions or the civil appeals shall be considered for the present.

The competent authority of the State Government shall consider their cases individually on the parameters of the last order and submit a report. The report shall indicate the marks obtained by

each of the candidates and also shall indicate how many persons would be eligible to be appointed on ad hoc basis.

We have been apprised by Mr. Sharan learned senior counsel, Mr. Vivek Singh, Mr. Amit Pawan, Mr. Ajay Shrivastava and some other learned counsel that though some of the applicants have been appointed, they are not being paid salary. Mr. Bhatia shall look into the same and apprise this Court on the next date of hearing.

We may make it clear that the cases relating to *Shiksha Mitras* be listed on 11th July 2016 and any interlocutory application connected with *Shiksha Mitras* be also listed along with the cases of *Shiksha Mitras* on that day.

All other cases be listed on 09.05.2016.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master