

CORRECTED

ITEM NO.301+302

COURT NO.5

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

I.A. Nos.292, 293, 294 and 295 in Civil Appeal

No(s).4347-4375/2014

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 Interim Relief and Office Report)

SLP(C) No. 11671/2014

(With appln.(s) for de-tagging and Office Report)

SLP(C) No. 11673/2014

(With Office Report)

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

(With 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 appln.(s) for permission to submit additional document(s) and Interim Relief and Office Report)

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

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

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

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

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

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

I.A. No.2 & 3 in W.P.(C) No.167/2015

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

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

Date : 06/07/2015 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

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SLP 62/14

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Ms. Nikhar Berry, Adv.
Mr. M.P.S. Tomar, Adv.
Mr. D.S. Parmar, Adv.
Mr. Prashant Shukla, Adv.
Ms. Abha R. Sharma, Adv.

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Mr. vikrant Singh Bais, Adv.

Mr. vivek Singh, Adv.
Mr. Manoj Kumar, Adv.

Mr. Santosh Kumar Tripathi, Adv.

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

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 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.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master