

CORRECTED

ITEM NO.303

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 appln. (s) for clarification and directions and exemption from filing O.T. and impleadment and impleadment as party respondent and intervention and may refer to remarks and modification and permission to file additional documents and office report)

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

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

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

SLP(C) No. 11671/2014

(With Office Report)

SLP(C) No. 11673/2014

(With Office Report)

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

(With Office Report)

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

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

W.P.(C) No. 89/2015
(With Appln.(s) for exemption from filing O.T. and Office Report)

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

Date : 05/05/2015 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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Mr. Ashok Kumar Sharma, AOR

Mr. Anjani Kumar Mishra, AOR

CC No.10408/14 Mr. Siddhartha Dave, Adv.
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CA 4347-4375/14

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SLP 62/14

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Mr. Utkarsh Sharma, Adv.

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Mr. Nishit Agrawal, Adv.

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Mr. Rajesh Chandra Tiwari, Adv.

Mr. Varinder Kumar Sharma, Adv.

Mr. Ajay Jain, Adv.
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Mr. R.P. Kaushal, Adv.
Mr. Abhishek Jain, Adv.
Mr. Syed A. Akhtar, Adv.
Mr. S. Bhardwaj, Adv.
Mr. B.P. Singh, Adv.

Mr. Rohit Singh, AOR

Mr. Vijendra M., Adv.
Ms. Pallavi Awasthi, Adv.
Mr. Deepak Goel, Adv.

Mr. Kartik Prasad, Adv.

Mr. Amarendra Sharan, Sr. Adv.
Mr. vivek Singh, Adv.

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

It is submitted by Mr. Venkataramani, learned senior counsel appearing for the State of U.P. that in pursuance of the order passed by this Court, as of today, 54464 posts have been filled up. Elaborating the said submission, it is put forth by Mr. Venkataramani that the said number of candidates have joined the posts. Be that as it may, as has been stated on earlier occasion, the said appointments are subject to result of the special leave petition and no right shall accrue in favour of the appointees. The Court shall work out the equities at the time of final disposal of the case.

At this juncture, Ms. A. Sharda Devi, learned counsel appearing for some of the respondents in Civil Appeal No.4349 of 2014, submitted that number of candidates who have not passed the TET examination have been appointed. If the allegation is correct, it is an extremely serious matter. Liberty is granted to the learned counsel to file an affidavit within a week hence. Learned counsel for the State shall verify the same and if it is found that some candidates have been appointed who do not meet the criteria fixed by us, their services shall be terminated forthwith. The list of candidates who have been appointed by the State shall be put in the website within three weeks with all

relevant particulars. Needless to say, the State shall file the counter affidavit where it is arrayed as a respondent and also file the requisite affidavit in terms of the order passed by this Court on 25.02.2015.

Let the matter be listed for hearing at 2.00 p.m. on 6.07.2015 and if the hearing is not concluded on that day, it shall be listed for further hearing at 2.00 p.m. on 13.07.2015. Learned counsel for the parties are to come ready, for no adjournment shall be granted on any count.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master