

ITEM NO.101

COURT NO.12

SECTION IX

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). 10759/2013

STATE OF MAHARASHTRA & ORS.

Appellant(s)

VERSUS

ASHA RAMDAS BIDKAR & ORS.

Respondent(s)

(with appln. (s) for permission to file additional documents and clarification of court's order and intervention and exemption from filing O.T. and impleadment and intervention and exemption from filing O.T. and directions and exemption from filing O.T. and impleadment and stay)

WITH

C.A. No. 10760/2013

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

SLP(C) No. 13598-13599/2014

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

SLP(C) No. 13610-13611/2014

(With Office Report)

SLP(C) No. 13616-13617/2014

(With Office Report)

SLP(C) No. 13618-13626/2014

(With Office Report)

Date : 21/01/2015 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

HON'BLE MR. JUSTICE C. NAGAPPAN

For the parties: Mr. B.H. Marlapalle, Sr. Adv.
Ms. Asha Gopalan Nair, Adv.
Mr. Aniruddha P. Mayee, Adv.

Mr. Vinay N., Adv.
 Mr. Satyajeet Kumar, Adv.
 Ms. Given KB , Adv.
 Ms. Abha R. Sharma, Adv.

Mr. V. Giri, Sr. Adv.
 Mr. Manish Pitale, Adv.
 Mr. Nitin Kadam, Adv.
 Mr. Amol Nirmalkumar Suryawanshi, Adv.

Mr. Manish Pitale, Adv.
 Mr. Wasi Haider, Adv.
 Mr. Arjun Harkauli, Adv.
 Mr. Chander Shekhar Ashri, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Mr. Uday B. Dube, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Mr. R.P. Bhat, Sr. Adv.
 Dr. R. R. Deshpande, Adv.

Mr. Shashibhushan P. Adgaonkar, Adv.

Mr. Shivaji M. Jadhav, Adv.
 Mr. Brij Kishore Sah, Adv.

Mr. Gurukrishna Kr., Sr. Adv.
 Mr. Hiren Dasan, Adv.
 Mr. Harish Dasan, Adv.
 Mr. Avinash Singh, Adv.
 Mr. Sarla D., Adv.

For RR. No. 23
 UGC

Mr. Manoj R. Sinha, Adv.
 Mr. T. Mahipal, Adv.
 Mr. Arjun H., Adv.

Mr. Sudhanshu S. C., Adv.
 Mr. Vatsalya V., Adv.
 Mr. S.S. Chandra, Adv.

Mr. Satyajit A. Desai, Adv.
 Ms. Anagha S. Desai, Adv.
 Mr. Avijit Bhushan, Adv.

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

Despite an opportunity being granted to the UGC and the other Respondents to file Counter/Reply within four weeks, necessary action has not been taken by them. Counsel for the UGC submits that he has been recently engaged and therefore an adjournment may be granted to him. Even if he had been engaged only yesterday, i.e. no sufficient ground or reason for condoning the failure of the UGC to file its Counter. Even today the counsel for the Counsel is not in a position to state whether or not he would rely on the Counter filed by it in the High Court.

Learned Senior Counsel appearing for the State of Maharashtra submits that clarification and elucidation on the following five issues is required by the UGC:

1. Whether the exemption in acquiring NET/SET qualifications granted by the UGC in October/November 2008, was withdrawn by it, after the Government of India- HRD disapproved the same?
2. If it was not withdrawn, whether it would operate prospectively?
3. Whether the said exemption granted in 2011, has been objected to or approved by the Government of India, at any time thereafter?
4. If the said exemption has not been recalled, whether it operates prospectively?
5. When the CAS announced from 1991 onwards specifically states, as one of the conditions of eligibility that the lecturer must have the prescribed qualifications namely PG degree with 55% marks plus Ph.D or M.Phil or NET/SET, whether the NET/SET exempted teachers who do not hold a Ph.D or M.Phil Degree, will be entitled for

the CAS benefit and if yes, from what date?"

Learned Senior Counsel appearing for the Respondent-Teachers, submits that, in order to curtail time, an opportunity may be granted to the UGC to give a further response including to the five points now clarified by learned Senior Counsel on behalf of the State. However, this should be without prejudice to the rights of the said Respondents to challenge, what they have perceived as may on that case, in these proceedings.

Since the proceedings for today are being adjourned at the instance of the UGC, in order to enable them to file Counter within two weeks from today, failure on its part to take necessary steps will require the Secretary, UGC to be personally present on the next date of hearing.

List on 18th March, 2015.

(NEELAM GULATI)
COURT MASTER

(SAROJ SAINI)
COURT MASTER