

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

M.A. NO. 818/2021

IN

CIVIL APPEAL NO. 8300/2016

SANJAY SINGH & ORS. APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH & ORS. RESPONDENT(S)

O R D E R

We have perused the affidavit filed by the State Government. In terms of para 8, 1446 *ad hoc* teachers applied under Trained Graduate Teacher (TGT) category and 9 *ad hoc* teachers applied under the Post Graduate Teacher (PGT) category and claimed weightage on the ground of service as an *ad hoc* teacher. The Board directed the District Inspectors of Schools to verify the details of these candidates who had claimed weightage as *ad hoc* teachers. Out of these, on verification, it was found that 150 applicants were not even working as *ad hoc* teachers and they had claimed weightage by giving false information. That, in our view, put an end to their story.

Out of the 1296 TGTs., 126 applicants have been found appointed *ad hoc* following procedure as prescribed, under Section 16E (11) of Intermediate Education Act, 1921 (for short, "the Act") and accordingly weightage was given to these *ad hoc* teachers.

The aforesaid having been verified, one of the pleas raised by the applicants is that at least these people should be released their salary. We feel this is an appropriate direction to be passed for release of arrears of salary for these 126 persons, naturally if not already paid.

It is next set out in the affidavit that 9 applicants had applied under the PGT category, but it was found that without following the procedure prescribed under the aforesaid Section, they were so recruited.

Insofar as the 126 candidates are concerned, due to low performance in the written examination, 123 candidates could not be selected in the final merit list for TGT category and 3 candidates have been selected in the final merit list. It has thereafter been set out that under the TGT category, 16 candidates have been selected even without giving weightage marks and similarly 3 *ad hoc* graduate teachers have also been selected in PGT category without giving weightage marks.

On query from the Court, Mr. Vikas Singh, learned senior counsel appearing for the Selection Board states that if weightage had been given, 15 candidates would have made it in TGT and 3 would have made it in PGT. This is premised on the basis that if such weightage was given to all the 1296 candidates.

Thus, the only issue remains for consideration of these 18 persons appointed who are stated to had not been strictly appointed in terms of Section 16 (E) 11 of the said Act.

In view of the large number of vacancies in recruitment and the passage of time for which they have worked, to put a quietus to the issue, we consider appropriate that these 18 people may also be given appointment. We do so by exercising our jurisdiction under Article 142 of the Constitution of India to do complete justice to the parties. The list of these applicants be published on the web site within a week.

Insofar as the persons who have informed not to have been recruited in compliance of Section 16 (E) 11, that does not take away the obligation of the Institute to pay those people the salary having taken work from them. This is the burden of the Management and we cannot burden the Government.

Application stands disposed of.

The necessary action be taken by the respondent(s) within a maximum period of two months from today.

We make it clear that this puts a quietus to the complete issue and no further proceedings before us or before the High Court are to be entertained.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M. SUNDRESH]

NEW DELHI,
DECEMBER 07, 2021.

ITEM NO.4

COURT NO.6

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 818/2021 in C.A. No. 8300/2016

SANJAY SINGH & ORS.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(List for directions/compliance qua the State Government on 07.12.2021.)

IA NO. 66573/2021-APPLN. FOR EXTENSION OF TIME)

IA NO. 159433/2021- APPLN. FOR EXEMPTION FROM FILING O.T)

Date : 07-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Tanya Agarwal, Adv.
 Mr. Durga Das Vashisht, Adv.
 Ms. Shubhangi Tuli, AOR

Ms. Preetika Dwivedi, AOR

For Respondent(s) Mr. Vikas Singh, Sr. Adv.
 Mr. Ajay Kumar Singh, AOR
 Mr. Ashish Kr. Singh, Adv.
 Mr. Sunil Kr. Pandey, Adv.
 Mr. R.K. Tiwari, Adv.

Mr. Harish Pandey, AOR

Mr. Mareesh Pravir Sahay, AOR

Mr. Prakash Kumar Singh, AOR

Ms. V. Mohana, Sr. Adv.

Ms. Parul Shukla, AOR

UPON hearing the counsel the Court made the following

O R D E R

Application for extension of time stands

disposed of in terms of the signed order.

M.A. and pending application also stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)

[Signed order is placed on the file]