

ITEM NO.27+42 Court 8 (Video Conferencing)

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 &amp;ORS.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(FOR ADMISSION and IA No.66573/2021-EXTENSION OF TIME and IA  
 No.66574/2021-EXEMPTION FROM FILING O.T.)

WITH

CONMT.PET.(C) No. 338/2021 in C.A. No. 8300/2016 (III-A)  
 (IA No. 57181/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 57179/2021 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 339/2021 in C.A. No. 8300/2016 (III-A)  
 (IA No. 62037/2021 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No. 62035/2021 - EXEMPTION FROM FILING O.T.)

Diary No(s). 11275/2021 (III-A)  
 (IA No. 58373/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s).10242/2021IN SLP© NO.19561 and 19562/2019(XI)  
 (IA NO. 53947/2021-EXEMPTION FROM FILING AFFIDAVIT)  
 (IA NO. 53945/2021- EXEMPTION FROM O.T.)

Date : 28-06-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
 HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Prakash Kumar Singh, AOR  
 Mr. Harsh Mahan, Adv.  
 Mr. O.P. Singh, Adv.  
 Mr. Lalit Chahar, Adv.

Ms. V. Mohana, Sr. Adv.  
 Ms. Parul Shukla, AOR  
 Mr. Arun Singh, Adv.

Ms. Tanya Agarwal, Adv.  
 Mr. Kamendra Mishra, Adv.  
 Mrs. Shubhangi Tuli, AOR

Ms. Preetika Dwivedi, AOR

For Respondent(s) Mr. Vinay Kumar Garg, Sr. Adv.  
Mr. Ajay Kumar Singh, AOR  
Mr. Yatharth Singh, Adv.  
Mr. Parv Garg, Adv.

Mr. Harish Pandey, AOR

Mr. Mareesh Pravir Sahay, AOR

Mr. Prakash Kumar Singh, AOR

For applicant(s) Mr. Mukesh Verma, Adv.  
Mr. Yash Dhingra, AOR

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

CONTEMPT PETITION(C) No. 338/2021 and 339/2021

Issue notice.

Learned counsel for the respondents accepts notice.

We are only inclined to examine the limited grievance qua Paragraph 1(9) of the fresh advertisement dated 15-03-2021 to the extent that it provides that the period of service as an ad-hoc teacher will be calculated on the basis of the date of first disbursement of the salary from the State treasury and till the last date of submission of the online applications.

We say so as the respondents have not been disbursing the salary. Thus, we fail to understand how disbursement of salary can be the cut-off point.

We had directed in terms of Paragraph 11 of our judgment dated 26-08-2020 that benefits should be extended to the employees where appointments have been made in compliance of Section 16-E

(sub-section 11) of the Act. Thus, it is clear that once this benefit is given to this category, the period of service for which this payment is to be made is liable to be counted for benefit of weightage and non-payment of the amount under Paragraph 11 cannot be the basis to shift the point of giving weightage.

We may note for record that the direction for weightage is in Paragraph 7 (c) and (h) of the same order.

We, thus, direct the period of service to be calculated as aforesaid and to the extent Paragraph 1(9) of the advertisement to that extent does not stand and is set-aside.

The necessary clarification be issued within a week.

The petition stands disposed of.

Pending application(s), if any, stand disposed of.

Any other issue which is stated to have also been raised in a subsequent substantive petition filed by the petitioner will be examined in that matter.

IA No. 66573 of 2021 in M.A. No. 818/2021 in CIVIL APPEAL No. 8300/2016

We are not inclined to grant the time period as prayed for effectively taking the whole process forward by a year and making it applicable from the next academic session starting in April, 2022.

On consideration of the problems which have arisen in the last two months because of Covid-19 pandemic, we grant last opportunity to the respondent to comply with the directions on or before 31-10-2021, failing which they will face the consequences of non-compliance of our orders.

If the order is not complied with, the concerned Secretaries shall remain personally present to take the consequences of non-compliance.

We, however, make it clear that the time extended is not an extension for the directions contained in Paragraph 11 of the judgment dated 26-08-2020.

**Diary No. 10242/2021**

We have examined the interlocutory applications.

The interlocutory applications are disposed of in terms of the order passed in IA No. 66573 of 2021.

List the matters for compliance on 09-11-2021.

[MANISH ISSRANI]  
COURT MASTER (SH)

[POONAM VAID]  
COURT MASTER (NSH)