

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

Petition(s) for Special Leave to Appeal (C) Nos.17669-17671/2014

(Arising out of impugned final judgment and order dated 02/08/2013 in DBCWP No. 3480/2012 02/08/2013 in DBCWP No. 5641/2012 29/11/2013 in DBCMR No. 193/2013 17/01/2014 in DBCMR No. 192/2013 17/01/2014 in DBCWP No. 5641/2012 29/11/2013 in DBCWP No. 3480/2012 passed by the High Court of Rajasthan at Jaipur)

SOBHAGYA SINGH SHEKHAWAT &amp; ORS.

Petitioner(s)

VERSUS

STATE OF RAJASTHAN &amp; ORS. ETC. ETC.

Respondent(s)

(Office report)

Date : 13/07/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Shakil Ahmed Syed, AOR  
Mr. Pravez Dabas, Adv.  
Mr. Ujami J., Adv.

For Respondent(s) Mr. S.S. Shamshery, AAG  
Mr. Amit Sharma, Adv.  
Mr. Prateek Yadav, Adv.  
Mr. Ankit Raj, Adv.  
Ms. Ruchi Kohli, Adv.  
Ms. Kiran Bala Sahay, Adv.  
Ms. Priyadarshni Priya, Adv.  
Ms. Priyanka, Adv.

Mr. Dushyant Parashar, Adv.

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

Subsequent to our order dated 12.5.2016, when we heard the learned counsel for the petitioners and the School Management it comes to light that Respondent No.1/State has acted in the most recalcitrant manner in complying with our directions (i) to (iv)

contained in our order 12.5.2016. As per directions (i) and (ii) in the said order, the School Management to submit its proposal with reference to the teachers for whom the grant-in-aid is to be released for effecting payment of salary from the month of April, 2016 and that on such proposal being submitted the Respondent No.1/State Government was further directed to consider the said proposal and pass appropriate orders for restoring grant-in-aid from 1<sup>st</sup> April, 2016, in the first instance, to ensure that the appropriate salary is sanctioned and paid to the teachers from the month of April, 2016. Unfortunately, even though the School Management submitted its proposal as early as on 25.5.2016 along with necessary details relating to the existing teachers working in the School, their names, salary, scale of pay applicable to them and the total entitlement of each of the teacher with minute particulars, the Authorities of Respondent No.1/State did not act based on the said proposal. Instead, in a most casual manner a communication was addressed on 11.7.2016 i.e. after nearly two months to the School Management as though no proposal was submitted, as directed in the order dated 12.5.2016. The said letter simply states that the Management should submit the details of payment to employees from 01.4.2016 to 30.6.2016 and whether such payment was really effected or not, without either understanding the specific directions contained in our order dated 12.5.2016 or with a view to postpone the compliance of our order dated 12.5.2016.

We are, therefore, constrained to state that the concerned Educational Authorities, namely, Secretary to the State Government, Commissioner, Secondary Education, District Bikaner and District Education Officer, District Jhunjhunu i.e. Respondent Nos.1 to 3 displayed total indifference in complying with the orders of this Court.

We, therefore, would have been well justified in straightaway issuing a suo motu contempt for non-compliance of our order dated 12.5.2016, especially when we find that the School Management has submitted its proposal to enable Respondent Nos. 1 to 3 to comply

with the said orders.

In the said circumstances, solely with a view to ensure that the teachers get their benefits of payment of salaries as directed in our order dated 14.1.2016, we feel that Respondent Nos. 1 to 3 can be directed to ensure compliance of our order dated 12.5.2016 by releasing the grant-in-aid in favour of the School Management positively on or before 18<sup>th</sup> July, 2016. We order accordingly. We make it very clear that any failure on the part of Respondent Nos. 1 to 3 to comply with the present directions will automatically result in issuance of contempt notice as against all the three of them, in order to proceed against them for violating our orders dated 12.5.2016 as well as the present order passed today. We give the above directions, inasmuch as we find that as between 12.5.2016 and this date, Respondent Nos. 1 to 3 had enough time to consider the proposal submitted by the School Management on 25.5.2016 and, therefore, we are not inclined to grant any longer period for complying with our directions.

We, therefore, direct Respondent Nos. 1 to 3 to take all possible steps and move the files as quickly as possible and ensure release of grant positively on or before 18<sup>th</sup> July, 2016.

List this case on 19.7.2016 to report compliance.

In the event of the compliance being reported without any short-comings, the presence of Respondent Nos. 1 to 3 will not be insisted. In the event of the compliance not being reported on 19.7.2016, we direct Respondent Nos. 1 to 3 to be present in Court for their failure to comply with this order.

(NARENDRA PRASAD)  
COURT MASTER

(RAJ RANI NEGI)  
COURT MASTER