

ITEM NO.11+40+41

COURT NO.5

SECTION XI-A

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

SPECIAL LEAVE PETITION (CIVIL)Diary No(s).37138/2023

(Arising out of impugned final judgment and order dated 13-03-2023 in W.A. No.1632/2022, W.A. No.1644/2022, W.A. No.1721/2022 and W.A. No.1763/2022 passed by the High Court of Kerala at Ernakulam)

YAKKOOB P. & ORS.

Petitioner(s)

VERSUS

K. J. VARGHESE & ORS.

Respondent(s)

(IA No.218853/2023-CONDONATION OF DELAY IN FILING and IA No.218854/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.218855/2023-EXEMPTION FROM FILING O.T.)

With

SLP(C)No.9566/2023(XI-A)

(FOR ADMISSION and I.R.

IA No.94096/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No.94098/2023 - EXEMPTION FROM FILING O.T.

IA No.151390/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No.11317/2023 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 100265/2023

FOR EXEMPTION FROM FILING O.T. ON IA 100267/2023

IA No. 100265/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 100267/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.10541/2023 (XI-A)

(FOR EXEMPTION FROM FILING O.T. ON IA 103347/2023

IA No. 103347/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 12007/2023 (XI-A)

(FOR ADMISSION)

SLP(C) No.11992/2023 (XI-A)

(FOR APPLICATION FOR TRANSPOSITION ON IA 169050/2023

IA No. 169050/2023 - APPLICATION FOR TRANSPOSITION)

SLP(C) No.12674-12676/2023 (XI-A)

(FOR EXEMPTION FROM FILING O.T. ON IA 120293/2023

IA No. 120293/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 13994/2023 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 118527/2023

FOR EXEMPTION FROM FILING O.T. ON IA 118528/2023

IA No. 118527/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 118528/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.13993/2023 (XI-A)

(FOR EXEMPTION FROM FILING O.T. ON IA 117185/2023
IA No. 117185/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 16448/2023 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
133318/2023

FOR EXEMPTION FROM FILING O.T. ON IA 133319/2023

IA No. 133318/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 133319/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.16449/2023 (XI-A)

SLP(C) No. 17865/2023 (XI-A)

(FOR EXEMPTION FROM FILING O.T. ON IA 153337/2023

IA No. 153337/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.18932/2023 (XI-A)

(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
157920/2023

FOR EXEMPTION FROM FILING O.T. ON IA 157921/2023

IA No. 157920/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 157921/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.17864/2023 (XI-A)

(IA FOR EXEMPTION FROM FILING O.T. ON IA 149858/2023

IA No. 149858/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.18931/2023 (XI-A)

(FOR EXEMPTION FROM FILING O.T. ON IA 156444/2023

IA No. 156444/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.17863/2023 (XI-A)

(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
145784/2023

FOR EXEMPTION FROM FILING O.T. ON IA 145787/2023

IA No. 145784/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 145787/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.20846/2023 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
169883/2023

IA No. 169883/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

SLP(C) No.20843/2023 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
167926/2023

FOR EXEMPTION FROM FILING O.T. ON IA 167927/2023

IA No. 167926/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 167927/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.20848/2023 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
179740/2023

FOR EXEMPTION FROM FILING O.T. ON IA 179741/2023

IA No. 179740/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 179741/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No.20847/2023 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 178551/2023

FOR EXEMPTION FROM FILING O.T. ON IA 178552/2023

IA No. 178551/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 178552/2023 - EXEMPTION FROM FILING O.T.)

Diary No(s).37139/2023 (XI-A)

(IA No.193633/2023-CONDONATION OF DELAY IN FILING and IA

No.193634/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

and IA No.193635/2023-EXEMPTION FROM FILING O.T.)

Diary No(s).37142/2023 (XI-A)

(FOR ADMISSION and I.R. and IA No.194044/2023-CONDONATION OF DELAY

IN FILING and IA No.194042/2023-EXEMPTION FROM FILING C/C OF THE

IMPUGNED JUDGMENT and IA No.194045/2023-EXEMPTION FROM FILING O.T.)

SLP(C) No.23437/2023 (XI-A)

(FOR ADMISSION and I.R. and IA No.188440/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Petition(s) for Special Leave to Appeal (C) No(s).24331/2023(XI-A)

(FOR ADMISSION and I.R. and IA No.218680/2023-CONDONATION OF DELAY

IN FILING and IA No.218678/2023-EXEMPTION FROM FILING C/C OF THE

IMPUGNED JUDGMENT and IA No.218681/2023-EXEMPTION FROM FILING O.T.

and IA No.218679/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 30-10-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. K. Rajeev, AOR
Mr. Shinoj K.narayanan, Adv.
Mr. Bijo M.joy, Adv.
Mr. Niveditha R.menon, Adv.
Mr. Aditya Verma, Adv.
Mr. Pranav Krishna, Adv.

Mr. P. S. Sudheer, AOR
Mr. Bharat Sood, Adv.
Mr. Rishi Maheshwari, Adv.
Ms. Miranda Solaman, Adv.

Mr. Roy Abraham, Adv.
Ms. Reena Roy, Adv.
Mr. Adithya Koshy Roy, Adv.
Ms. Neelam Saini, Adv.
Mr. Himinder Lal, AOR

Mr. Haris Beeran, Adv.
Mr. Azhar Assees, Adv.
Mr. Anand B.Menon, Adv.
Mr. Radha Shyam Jena, AOR

Mr. K. Rajeev, AOR

Mr. V Chitambaresh, Sr. Adv.
 Mr. Zulfiker Ali P. S, AOR
 Ms. Lebina Baby, Adv.

Mr. Karthik S.D., AOR

For Respondent(s) Mrs. Nandini PK, Adv.
 Mr. Jayaraj Ap, Adv.
 Ms. Anne Mathew, AOR

Mr. P. A. Noor Muhamed, AOR
 Mr. Mohamad Shareef K.p., Adv.
 Mrs. Giffara S., Adv.
 Mr. Lindons C. Davis, Adv.
 Mr. A. Nowfal, Adv.
 Mr. A. Shukoor, Adv.
 Mr. Avaneesh, Adv.

Mr. Jayanth Muth Raj, Sr. Adv.
 Mr. C. K. Sasi, AOR
 Ms. Meena K Poullose, Adv.

Mr. Deepak Prakash, AOR
 Mr. Kamal Singh Bisht, Adv.
 Mr. Pawan Kr. Dabas, Adv.
 Mr. Raneev Dahiya, Adv.
 Ms. Shruthi Srivastava, Adv.
 Mr. Nachiketa Vajpayee, Adv.
 Ms. Divyangna Malik, Adv.
 Ms. Vishnu Priya, Adv.
 Ms. Merlyn J. Rachel, Adv.
 Mr. Shyam Nair, Adv.
 Mr. Vardaan Kapoor, Adv.
 Mr. Rahul Lakhera, Adv.

Mr. Rajeev Mishra, Adv.
 Mr. Sanand Ramakrishnan, Adv.
 Mr. Madan M. Bora, Adv.
 For M/S. Axxess Legal Corp, AOR

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

SLP(C)...D.No.37138/2023

1. Heard learned counsel for the petitioners.
2. Delay condoned.
3. Issue notice.
4. Tag with SLP(C)No.9566/2023 and other connected matters.

5. Meanwhile, the petitioners, who are provisionally appointed teachers may not be relieved, provided that there are sufficient vacancies for appointment of specially-abled candidates, as directed in SLP(C)No.9566/2023.

6. It goes without saying that the directions issued earlier to complete the process of appointment of specially-abled candidates shall continue without disturbing the appointment of the petitioners.

7. List on 02.01.2024.

SLP(C)No. 9566/2023, SLP(C) No. 11317/2023, SLP(C) No. 10541/2023, SLP(C) No. 12007/2023, SLP(C) No.11992/2023, SLP(C) No. 13994/2023, SLP(C) No.13993/2023, SLP(C) No. 16448/2023, SLP(C) No.16449/2023, SLP(C) No. 17865/2023, SLP(C) No.18932/2023, SLP(C) No.17864/2023, SLP(C) No.18931/2023, SLP(C) No.17863/2023, SLP(C) No.20846/2023, SLP(C) No.20843/2023, SLP(C) No.20848/2023, SLP(C) No.20847/2023, Diary No(s).37139/2023, Diary No(s).37142/2023, SLP(C) No.23437/2023

1. During the course of hearing, learned Senior Counsel appearing on behalf of the State of Kerala agrees to resolve the modalities to expedite the filling up of vacancies reserved for specially-abled candidates in different Government aided schools in the State.

2. In our considered opinion, the State can constitute, notwithstanding any provision contained in the Rules, a State Level Selection Committee after securing information of posts sanctioned for such candidates. The selection process can be completed in a time-bound manner making it obligatory on the managements of schools receiving grant-in-aid to offer appointment to the candidates so recommended by the Selection Committee.

3. Let the proposal be put up for consideration within four weeks.

4. Post these matters for hearing on 02.01.2024.

5. This order may be brought to the notice of the High Court where the matter is stated to be listed tomorrow for hearing.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

