

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2022
(@SLP (C) Nos. 17974-17975 OF 2019)

THE STATE OF UTTAR PRADESH APPELLANT (S)

VERSUS

UMME SAFIA FARIDI & ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO. OF 2022
(@SLP(C) Nos. 19111-19112 OF 2019)

AND

WRIT PETITION (C) No. 549 OF 2022

O R D E R

Leave granted.

As we understand, the impugned judgment(s) should be read as issuing directions to the authorities to consider the case of the writ petitioners for selection/appointment to the post of Assistant Teachers (Urdu) and Anshkalik Anudeshak Physical Training Instructors. The directions given by the High Court should not be construed as a Mandamus to issue letters of appointment.

It is brought to our notice that subsequently, the respondent(s) had issued circular/notifications, including those dated 08.10.2018 and 14.02.2019, cancelling the recruitment process for selection of teachers *vide* Government Orders dated 15.12.2016,

19.09.2016 and 23.10.2018. We have been informed that there are reasons recorded in the files of the respondent(s) for cancelling of the selection/recruitment process. It will be open to the appellants/respondents to challenge the circular/notifications cancelling the recruitment process on all grounds as are available to them in law. It will be equally open to the authorities to file a counter affidavit and put forward their case as to why the recruitment process was cancelled. We clarify that we make no comments either way in this regard.

We have been informed that there are some writ petitions already pending before to the High Court of Allahabad, in which some of the circular/notifications have been challenged.

Recording the aforesaid, the appeals preferred by the State of Uttar Pradesh are disposed of.

Writ Petition(s) preferred by the petitioner(s) challenging the action of the respondent-authorities, would also be treated as disposed of, giving/with liberty to the writ petitioner(s) to prefer the writ petition to the jurisdictional High Court. This order would apply in cases where the entire recruitment process has been cancelled without any appointments being made. As already stated and indicated above, we have not commented on the merits of the decision taken by the State of Uttar Pradesh to cancel the recruitment process. As the matters have remained pending for some time, we would request the High Court to take up the matters for hearing expeditiously.

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

.....J.
(SANJIV KHANNA)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
NOVEMBER 10, 2022.

ITEM NO.20

COURT NO.8

SECTION XI

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) No(s). 17974-17975/2019

(Arising out of impugned final judgment and order dated 25-03-2019 in CMRA No. 4/2018 12-04-2018 in SAD No. 33/2018 passed by the High Court of Judicature at Allahabad)

THE STATE OF UTTAR PRADESH

Petitioner(s)

VERSUS

UMME SAFIA FARIDI & ORS.

Respondent(s)

WITH

Diary No(s). 18516/2019 (XI)

(FOR ADMISSION and I.R. and IA No.105891/2019-CONDONATION OF DELAY IN FILING and IA No.105896/2019-EXEMPTION FROM FILING O.T. and IA No.105893/2019-CONDONATION OF DELAY IN REFILING

IA No. 63156/2022 - APPLICATION FOR TAGGING/DETAGGING

IA No. 60738/2022 - APPLICATION FOR TAGGING/DETAGGING

IA No. 45246/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 105891/2019 - CONDONATION OF DELAY IN FILING

IA No. 105893/2019 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 44631/2021 - EARLY HEARING APPLICATION

IA No. 130524/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 16103/2020 - EXEMPTION FROM FILING O.T.

IA No. 63407/2022 - EXEMPTION FROM FILING O.T.

IA No. 105896/2019 - EXEMPTION FROM FILING O.T.

IA No. 25784/2020 - EXEMPTION FROM FILING O.T.

IA No. 93851/2022 - EXEMPTION FROM FILING O.T.

IA No. 194069/2019 - INTERVENTION APPLICATION

IA No. 145765/2019 - INTERVENTION APPLICATION

IA No. 91064/2022 - INTERVENTION/IMPLEADMENT

IA No. 152913/2019 - INTERVENTION/IMPLEADMENT

IA No. 169532/2019 - INTERVENTION/IMPLEADMENT

IA No. 13627/2020 - INTERVENTION/IMPLEADMENT

IA No. 130518/2021 - INTERVENTION/IMPLEADMENT

IA No. 87348/2022 - INTERVENTION/IMPLEADMENT

IA No. 152690/2019 - INTERVENTION/IMPLEADMENT

IA No. 169015/2019 - INTERVENTION/IMPLEADMENT

IA No. 10495/2020 - INTERVENTION/IMPLEADMENT

IA No. 168343/2019 - INTERVENTION/IMPLEADMENT

IA No. 7622/2020 - INTERVENTION/IMPLEADMENT

IA No. 63405/2022 - INTERVENTION/IMPLEADMENT

IA No. 144586/2019 - INTERVENTION/IMPLEADMENT

IA No. 1030/2020 - INTERVENTION/IMPLEADMENT

IA No. 162310/2022 - INTERVENTION/IMPLEADMENT

IA No. 155788/2019 - INTERVENTION/IMPLEADMENT
 IA No. 198778/2019 - INTERVENTION/IMPLEADMENT
 IA No. 105728/2022 - INTERVENTION/IMPLEADMENT
 IA No. 154936/2019 - INTERVENTION/IMPLEADMENT
 IA No. 196246/2019 - INTERVENTION/IMPLEADMENT
 IA No. 25783/2020 - INTERVENTION/IMPLEADMENT
 IA No. 59337/2022 - INTERVENTION/IMPLEADMENT
 IA No. 102995/2022 - INTERVENTION/IMPLEADMENT
 IA No. 154183/2019 - INTERVENTION/IMPLEADMENT
 IA No. 195481/2019 - INTERVENTION/IMPLEADMENT
 IA No. 25638/2020 - INTERVENTION/IMPLEADMENT
 IA No. 164386/2021 - INTERVENTION/IMPLEADMENT
 IA No. 153235/2019 - INTERVENTION/IMPLEADMENT
 IA No. 26197/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 1037/2020 (X)

(IA No. 65421/2022 - APPLICATION FOR TAGGING/DETAGGING
 IA No. 90000/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 131154/2021 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 670/2020 (X)

(IA No. 61749/2020 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 29/2021 (X)

(FOR ADMISSION and IA No.3497/2021-EXEMPTION FROM FILING O.T. and
 IA No.3498/2021-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 1117/2021 (X)

(IA No. 129570/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 129573/2021 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 549/2022 (X)

(IA No. 100248/2022 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 604/2022 (X)

(FOR ADMISSION and IA No.109759/2022-EXEMPTION FROM FILING O.T. and
 IA No.109760/2022-PERMISSION TO FILE LENGTHY LIST OF DATES)

SLP(C) No. 19111-19112/2019 (XI)

(FOR ADMISSION and I.R. and IA No.105817/2019-CONDONATION OF DELAY
 IN FILING and IA No.105821/2019-EXEMPTION FROM FILING O.T. and IA
 No.105818/2019-CONDONATION OF DELAY IN REFILING)

W.P.(C) No. 1357/2019 (X)

(FOR ADMISSION and IA No.173587/2019-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 304/2020 (X)

(IA No. 164916/2021 - APPLICATION FOR PERMISSION
 IA No. 164781/2021 - APPLICATION FOR PERMISSION
 IA No. 62914/2022 - APPLICATION FOR TAGGING/DETAGGING
 IA No. 106064/2022 - DISCHARGE OF ADVOCATE ON RECORD
 IA No. 25755/2020 - EX-PARTE AD-INTERIM RELIEF

IA No. 25754/2020 - EXEMPTION FROM FILING O.T.
 IA No. 107710/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 442/2020 (X)
 (FOR ADMISSION and IA No.45719/2020-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 441/2020 (X)
 (FOR ADMISSION and IA No.45424/2020-EX-PARTE AD-INTERIM RELIEF and
 IA No.45423/2020-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 435/2020 (X)
 (IA No. 44854/2020 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 1043/2020 (X)
 (IA No. 90290/2020 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 926/2022 (X)
 (FOR ADMISSION and IA No.156898/2022-EXEMPTION FROM FILING O.T. and
 IA No.156897/2022-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 10-11-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
 HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Parties

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 Mr. Fuzail Ahmad Ayyubi, AOR
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 Ms. Shama usmani, Adv.
 Ms. Tehsheena Z. Hussain, Adv.
 Ms. Farheen Fatima, Adv.

Mr. Rohit Singh, AOR
 Mr. Piyush Dwivedi, AOR
 Mr. Parminder Singh Bhullar, AOR

Mr. Sibho Sankar Mishra, AOR
 Mr. Niranjana Sahu, Adv.
 Mr. Debarata Dash, Adv.
 Mr. Umakant Mishra, Adv.
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Mr. Sandeep Jindal, AOR
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 Ms. Surbhha Bhaskar, Adv.

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Mr. Sanjay Rastogi, AOR

Ms. Aishwarya Bhati, ASG
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Mr. Susheel Tomar, Adv.
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Mr. Praveen Gaur, Adv.
Ms. Baani Khanna, Adv.
Mr. Karan Mangain, Adv.
Mr. Sampriti Baksh, Adv.
Mr. Rajat Aren, Adv.

Mr. Nidesh Gupta, Sr. Adv.
Mr. Shantanu Singh, Adv.
Mr. Goutham Shivshankar, AOR

Mr. Dhananjai Jain, AOR
Ms. Charu Ambwani, AOR

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Ms. Shreya Mishra, Adv.
Mr. Anurag Tripathi, Adv.
Mr. Shanker Singh, Adv.
Mr. Madhumay Mishra, Adv.
Mr. Satyajeet Kumar, AOR

Mr. Harish Pandey, AOR

Mr. Tom Joseph, AOR
Mr. Sanjay Rastogi, Adv.
Mr. Parminder Singh Bhullar, Adv.
Mr. Rohit Singh, Adv.

Mr. Rakesh Mishra, AOR
Ms. Poornima Singh, Adv.
Mr. Alok Kumar Pandey, Adv.

Mr. Tejaswi Kumar Pradhan, AOR
Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Siddharth Dave, Sr. Adv.
Mr. Satwik Misra, Adv.
Mr. Shreeyash Lalit, Adv.
Mr. H. Shukla, Adv.
Mr. Ayush Misra, Adv.
Ms. Gunjan Dogra, Adv.
Ms. Pooja Kabra, Adv.

Mr. Yusuf Khan, Adv.
 Mr. Sandeep Kumar Dwivedi, Adv.
 Mr. Kisalaya Shukla, Adv.
 Mr. Raghuvendra Upadhyay, Adv.
 Mr. Neeraj Kumar Singh, Adv.
 Ms. Arushi Singh, Adv.
 Dr. Vinod Kumar Tewari, AOR

Mr. Robin Khokhar, AOR

Mr. Kapil Sibal, Sr. Adv.
 Mr. Nidhesh Gupta, Sr. Adv.
 Mr. P. S. Patwalia, Sr. Adv.
 Mr. R. K. Singh, Adv.
 Mr. Kumar Gaurav, Adv.
 Ms. Ritu Reniwal, Adv.
 Mr. Ajay Choudhary, Adv.
 Mr. Aman Rastogi, Adv.
 Mr. Praveen Pathak, Adv.
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 Mr. Abhik Chimni, Adv.
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 Mr. Ajeesh G., Adv.

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 Mr. Anand Nandan, Adv.
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 Mr. Aakarsh, Adv.
 Mr. Kushagra Raj, Adv.

Ms. Parul Shukla, AOR

Mr. Shailendra Kumar, Adv.
 Mr. Nitin Singh, Adv.
 Ms. Anzu. K. Varkey, AOR

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 Mr. Abdul Qadir, Adv.
 Mr. Nigam B., Adv.
 Mr. Khagesh Sharma, Adv.
 Mr. G. Javed, Adv.
 Mr. A. Rehman, Adv.
 Mr. Amit Bansal, Adv.

Mr. Abbula Kalam, Adv.
 Ms. Shaziya Ansari, Adv.
 Mr. Akbar Ali, Adv.
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 Mr. Brijesh Kr. Gupta, Adv.
 Mr. Ajay Kr. Rai, Adv.

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 Mr. Hitesh Kumar Sharma, Adv.
 Mr. S.K. Rajora, Adv.
 Mr. Akhileshwar Jha, Adv.
 Ms. Yamini Sharma, Adv.
 Ms. Niharika Dwivedi, Adv.
 Ms. Shweta Sand, Adv.
 Mr. Anubhav Gupta, Adv.
 Mr. Narendra Pal Sharma, Adv.

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

SLP (C) Nos. 17974-17975 OF 2019, SLP(C) Nos. 19111-19112 OF 2019,
 AND WRIT PETITION (C) No. 549 OF 2022

Leave granted.

The appeals and the writ petition are disposed of in terms of
 the signed order.

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

SLP Diary No(s). 18516/2019, W.P.(C) No. 1037/2020, W.P.(C) No.
 670/2020, W.P.(C) No. 29/2021, W.P.(C) No. 1117/2021, W.P.(C) No.
 604/2022 W.P.(C) No. 1357/2019 W.P.(C) No. 304/2020, W.P.(C) No.
 442/2020, W.P.(C) No. 441/2020, W.P.(C) No. 435/2020, W.P.(C) No.
 1043/2020, W.P.(C) No. 926/2022 (X)

The State of Uttar Pradesh would file an affidavit of the
 Secretary, Basic Education, stating whether any appointment letters
 were issued after 23.03.2017 to the candidates who had participated
 in the selection process for the post of Assistant Teacher
 (Mathematics) and Assistant Teacher (Science) pursuant to the

Government Order No. 2651(1)/79-6-2011-1(4)/13 dated 11.07.2013. If any appointment letters have been issued, the reason and cause for issue of the said appointment letter(s) will be indicated. The affidavit would also state on oath whether the respondents have filed and given any undertaking before the High Court in response to applications filed for contempt, agreeing to issue appointment letters and if any appointment letters in such cases have been issued. Lastly, the affidavit would state whether any person who had participated in the 7th and 8th rounds of counseling, or whose documents was scrutinized, have been issued appointment letters, and if so, on what dates. The marks obtained by the said candidates would be indicated and stated in the affidavit.

The aforesaid affidavit will be filed within a period of four weeks from today.

The petitioners who have challenged the cancellation of recruitment for the post of Assistant Teachers (Mathematics) and Assistant Teachers (Science) would be entitled to file their response to the said affidavit within a period of two weeks.

Re-list on a non-miscellaneous day in the month of January, 2023. Not to be treated as part heard.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)