

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ ORIGINAL JURISDICTION**

**SPECIAL LEAVE PETITION (C) No. _____/2025)
(Diary No.18516/2019)**

THE STATE OF UTTAR PRADESH

PETITIONER

VERSUS

NEERAJ KUMAR PANDEY & ORS.

RESPONDENTS

WITH

Writ Petition(C) No. 442/2020

Writ Petition(C) No. 604/2022

Writ Petition(C) No. 926/2022

Writ Petition(C) No. 1357/2019

Writ Petition(C) No. 304/2020

Writ Petition(C) No. 441/2020

Writ Petition(C) No. 435/2020

Writ Petition(C) No. 1037/2020

Writ Petition(C) No. 670/2020

Writ Petition(C) No. 1043/2020

Writ Petition(C) No. 29/2021

Writ Petition(C) No. 1117/2021

Writ Petition(C) No. 569/2023

Writ Petition(C) No. 206/2024

ORDER

1. Delay condoned.
2. A process of recruitment of teachers (in the disciplines of Science and Mathematics) initiated by the Competent Authority of the Government of Uttar Pradesh on 11th July, 2013 was abruptly put on hold with immediate effect on the basis of an oral order dated 23rd March, 2017.
3. Such oral order was challenged in sixteen writ petitions before the High Court of Judicature at Allahabad. *Vide* common judgment and order dated 03rd November, 2017, a learned single judge of the High Court allowed all the writ petitions. It was ordered as follows: -

“For the reasons mentioned above, I find that the oral instructions issued by the State Government for stopping the recruitment process is not justifiable. Accordingly, the order of the Secretary dated 23.3.2017, which is bereft of any reason, is set aside. The Secretary of the Board is directed to complete the process of selection against the remaining vacant posts strictly in terms of earlier respective circulars dated 16.6.2016, 19.9.2016, 15.12.2016 and 30.12.2016, expeditiously, preferably within two months from the date of communication of this order.”

4. The State of Uttar Pradesh filed three writ appeals against the said judgment and order and not sixteen appeals. Resultantly, the judgment and order of the single judge on thirteen writ

petitions attained finality. However, the three writ appeals (with Special Appeal No.648/2017 being the lead matter) came to be considered by a Division Bench of the High Court which, *vide* its judgment and order dated 12th April, 2018 dismissed the same observing as follows: -

“It is more than apparent that there were no good grounds for putting on hold the recruitment process. What is important to note is that when confronted, the Board made a statement in the Court that oral directions had been issued by the State Government for putting on hold the recruitment process and when called upon, the State Government in one of the matters, denied having issued such instructions. Even if it be assumed that the State Government has actually issued oral directions then we have no hesitation in observing that such oral directions could not have been made a ground by the Board to keep in abeyance the recruitment process. Even the communication dated 23 March 2017 sent by the Board does not indicate any reason as to why the recruitment process should be put on hold.

In such circumstances, there is no good reason to interfere with the directions issued by the learned Judge in the impugned judgment. We also expect that the Board will ensure that the recruitment process initiated by the aforesaid Government Orders dated 11 July 2013, 15 December 2016, 16 June 2016 and 19 September 2016 shall be completed as expeditiously not later than two months from today.”

5. The State thereafter applied for review of the aforesaid judgment and order, which was dismissed by the Division Bench by an order dated 25th March, 2019.

6. Following such dismissal, the State has challenged the orders dismissing the writ appeals as well as the review petitions by filing Special Leave Petition (C) D. No.18516/2019 before this Court.

7. It is not in dispute that during the last five years the special leave petition has remained pending on the file of this Court, several appointments have been made on posts of Assistant Teachers (Science and Mathematics) pursuant to the order of the single judge which went unchallenged by the State by not filing writ appeals against the said common judgment and order deciding the remaining thirteen writ petitions.

8. In course of hearing before a coordinate Bench on an earlier occasion, it was the admitted case that although the respondents in the special leave petition had been counseled during the fourth and fifth rounds but were not favoured with appointments, those candidates who were counseled in course of the seventh and eighth rounds had been given appointment.

9. By an order dated 10th November, 2022, this Court called upon the State to file an affidavit in respect of the points mentioned therein. An affidavit has since been filed to which the respondents have also filed their response.

10. The facts emerging therefrom are that some of the candidates who might have obtained less marks than the marks obtained by the successful writ petitioners have been appointed. Referring to the same, Mr. P.S. Patwalia, learned senior counsel and Mr. Nidhesh Gupta, learned senior counsel appearing for certain sets of respondents have prayed for dismissal of the special leave petition as well as for direction on the State to

appoint the respondents.

11. It is true that the recruitment process was initiated in the year 2013 and more than a decade has passed since then; however, the delay cannot be attributed to the successful candidates. The blame for the delay has to be squarely placed on the State. Having filed delayed writ appeals before the High Court selectively, followed by delayed review petitions as well as the present delayed special leave petition, the State cannot urge that by reason of the lapse of time in between, no right has accrued in favour of the respondents. It would defy reason and logic if claims of candidates who have secured marks, more than the candidates who have already been appointed, are spurned for no better reason than that there has been delay in the process. Notwithstanding the delay that has occurred, we are of the considered opinion that the candidature of the candidates successful before the High Court should be considered in accordance with the directions issued by the Division Bench on the appeals referred to above upholding the learned single judge's decision.

12. We, however, record the submissions of Mr. P.S. Patwalia and Mr. Nidhesh Gupta appearing for the respondents to the effect that should they be appointed after the exercise that we direct hereunder to be performed by the State, they would not be claiming seniority vis-a-vis the candidates who have already been

appointed as well as arrears of salary.

13. In the circumstances as above, we direct the State of Uttar Pradesh to consider the claims of each of the candidates who were the petitioners before the single judge for appointment on posts of Assistant Teachers (Science and Mathematics). Those of the candidates who are found to have secured marks more than the candidate who has been appointed with the least number of marks shall be considered and offered appointment, in accordance with law, with the clear stipulation that such candidate shall not be entitled to seniority as well as arrears of salary.

14. To facilitate compliance of this order, we grant liberty to the successful candidates before the High Court to place before the State a list indicating the marks that such candidates would have been entitled to, had the process not been kept on hold, in terms of the formula that has been adopted for assessing the merit of all the candidates.

15. Let this exercise be completed as early as possible, but preferably within three months from date and in any case not beyond six months.

16. It is made clear that only those candidates who have approached this Court with writ petitions/interlocutory applications seeking intervention, impleadment, etc. any time before 31st December, 2019 shall be entitled to the benefit of this

order. Relief is declined to the others on the ground that they were fence-sitters.

17. The special leave petition stands disposed of on the aforesaid terms.

18. Pending application(s) together with writ petitions and applications for intervention, impleadment, etc. shall also stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(MANMOHAN)

**New Delhi;
January 29, 2025.**

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.18516/2019

[Arising out of impugned final judgment and order dated 25-03-2019 in CMRA No.5/2018 and 12-04-2018 in SAN No.648/2017 passed by the High Court of Judicature at Allahabad]

THE STATE OF UTTAR PRADESH

Petitioner

VERSUS

NEERAJ KUMAR PANDEY & ORS.

Respondents

(with I.A. No.63156/2022-APPLICATION FOR TAGGING/DETAGGING, I.A. No.60738/2022-APPLICATION FOR TAGGING/DETAGGING, I.A. No.45246/2021 -APPROPRIATE ORDERS/DIRECTIONS, I.A. No.105891/2019-CONDONATION OF DELAY IN FILING, I.A. No.105893/2019-CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS, I.A. No.44631/2021-EARLY HEARING APPLICATION, I.A. No.130524/2021-EXEMPTION FROM FILING AFFIDAVIT, I.A. No.93851/2022-EXEMPTION FROM FILING O.T., I.A. No.16103/2020 - EXEMPTION FROM FILING O.T., I.A. No.63407/2022-EXEMPTION FROM FILING O.T., I.A. No.105896/2019-EXEMPTION FROM FILING O.T., I.A. No.25784/2020-EXEMPTION FROM FILING O.T., I.A. No.194069/2019-INTERVENTION APPLICATION, I.A. No.145765/2019-INTERVENTION APPLICATION, I.A. No.154183/2019-INTERVENTION/IMPLEADMENT, I.A. No. 196246/2019-INTERVENTION/IMPLEADMENT, I.A. No.25783/2020-INTERVENTION/ IMPLEADMENT, I.A. No.59337/2022- INTERVENTION/ IMPLEADMENT, I.A. No.102995/2022- INTERVENTION/ IMPLEADMENT, I.A. No.153235/2019- INTERVENTION/IMPLEADMENT, I.A. No.195481/2019-INTERVENTION/ IMPLEADMENT, I.A. No.25638/2020-INTERVENTION/IMPLEADMENT, I.A. No.164386/2021- INTERVENTION/ IMPLEADMENT, I.A. No.152913/2019-INTERVENTION/IMPLEADMENT, I.A. No.91064/2022-INTERVENTION/IMPLEADMENT, I.A. No.152690/2019-INTERVENTION/IMPLEADMENT, I.A. No.169532/2019- INTERVENTION/ IMPLEADMENT, I.A. No.13627/2020- INTERVENTION/IMPLEADMENT, I.A. No.130518/2021-INTERVENTION/IMPLEADMENT, I.A. No. 87348/2022 - INTERVENTION/IMPLEADMENT, I.A. No.169015/2019-INTERVENTION/IMPLEADMENT, I.A. No.10495/2020- INTERVENTION/ IMPLEADMENT, I.A. No.144586/2019-INTERVENTION/IMPLEADMENT, I.A. No. 168343/2019-INTERVENTION/IMPLEADMENT, I.A. No.7622/2020-INTERVENTION/IMPLEADMENT, I.A. No.63405/2022-INTERVENTION/ IMPLEADMENT, I.A. No.155788/2019-INTERVENTION/IMPLEADMENT, I.A. No. 1030/2020-INTERVENTION/IMPLEADMENT, I.A. No.162310/2022-INTERVENTION/IMPLEADMENT, I.A. No.154936/2019- INTERVENTION/ IMPLEADMENT, I.A. No.198778/2019 - INTERVENTION/IMPLEADMENT, I.A. No.105728/2022-INTERVENTION/IMPLEADMENT, I.A. No.26197/2020-

PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH

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

**W.P.(C) No. 604/2022 (X)
(FOR ADMISSION; I.A. No.109759/2022-EXEMPTION FROM FILING O.T.,
I.A. No.109760/2022-PERMISSION TO FILE LENGTHY LIST OF DATES**

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

**W.P.(C) No. 1357/2019 (X)
(FOR ADMISSION; I.A. No.173587/2019-EXEMPTION FROM FILING O.T.)**

**W.P.(C) No. 304/2020 (X)
(With I.A. No.164916/2021-APPLICATION FOR PERMISSION, I.A. No.
164781/2021-APPLICATION FOR PERMISSION, I.A. No.62914/2022-
APPLICATION FOR TAGGING/DETAGGING, I.A. No.10709/2023-DISCHARGE OF
ADVOCATE ON RECORD, I.A. No.106064/2022-DISCHARGE OF ADVOCATE ON
RECORD, I.A. No.25755/2020-EX-PARTE AD-INTERIM RELIEF, I.A. No.
25754/2020-EXEMPTION FROM FILING O.T., I.A. No.17455/2023-
INTERVENTION/IMPLEADMENT, I.A. No.163631/2023-
INTERVENTION/IMPLEADMENT and I.A. No.107710/2022-PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**W.P.(C) No. 441/2020 (X)
(with I.A. No.45424/2020-EX-PARTE AD-INTERIM RELIEF and I.A. No.
45423/2020-EXEMPTION FROM FILING O.T.)**

**W.P.(C) No. 435/2020 (X)
(with I.A. No.44854/2020-EXEMPTION FROM FILING O.T.)**

**W.P.(C) No. 1037/2020 (X)
(with I.A. No.65421/2022-APPLICATION FOR TAGGING/DETAGGING, I.A.
No.90000/2020-EXEMPTION FROM FILING AFFIDAVIT and I.A. No.
131154/2021-INTERVENTION/IMPLEADMENT)**

**W.P.(C) No. 670/2020 (X)
(with I.A. No.61749/2020-EXEMPTION FROM FILING AFFIDAVIT)**

**W.P.(C) No. 1043/2020 (X)
(with I.A. No.90290/2020-EXEMPTION FROM FILING AFFIDAVIT)**

**W.P.(C) No. 29/2021 (X)
(FOR ADMISSION and I.A. No.3497/2021-EXEMPTION FROM FILING O.T. and
I.A. No.3498/2021-EXEMPTION FROM FILING AFFIDAVIT)**

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

(with I.A. No.129570/2021-EXEMPTION FROM FILING AFFIDAVIT and I.A. No.129573/2021-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 569/2023 (X)

W.P.(C) No. 206/2024 (X)

(FOR ADMISSION; I.A. No.75294/2024-EXEMPTION FROM FILING O.T.)

Date : 29-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA

HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s): Ms. Udita Singh, AOR
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Mr. Kumar Gaurav, Adv.
Mr. Aman Rastogi, Adv.
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Ms. Lalita Gupta, Adv.
Mr. Manmohan Sharma, Adv.
Mr. Abhinav Yash Pandey, Adv.
Ms. Vijaylakshami, Adv.

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Mr. Raghvendra Upadhyay, Adv.
Mr. Makradhwaj Yadav, Adv.
Mr. Krishna Kant Shukla, Adv.
Mr. Kisalaya Shukla, AOR

Mr. Rohit Singh, AOR

Mr. Piyush Dwivedi, AOR
Ms. Diksha Verma, Adv.

Mr. Parminder Singh Bhullar, AOR
Mr. Vivek Jain, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Harish Pandey, AOR

Mr. Pushkar Sharma, AOR
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Mr. Suyash Srivastava, Adv.
Mr. Manish Panndey, Adv.

Mr. Harish Pandey, AOR

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Ms. Arya Krishnan, Adv.

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Mr. Rakesh Mishra, AOR
Mr. Alok Kumar Pandey, Adv.
Ms. Kiran Pandey, Adv.
Mr. Sudhanshu Tiwari, Adv.
Ms. Preeti Sirohi, Adv.

Mr. Pratyaksh Semwal, Adv.
Ms. Madhumeet Kaur, Adv.

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Mr. Shubham Chandra, Adv.

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Ms. Anzu. K. Varkey, AOR
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Mr. Nitin Singh, Adv.
Mr. Chayan Sarkar, Adv.
Mr. Shailendra Kumar, Adv.
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Mr. Rajat Baijal, Adv.

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Mr. Dharendra Kumar Verma, Adv.
Mr. Raj Kumar Yadav, Adv.
Mr. Mohit Yadav, Adv.
Mrs. Aarti Pal, Adv.

Mr. Amit Pawan, AOR
Mr. Hassan Zubair Waris, Adv.
Ms. Shivangi Singh Rawat, Adv.
Ms. Aastha Shrestha, Adv.
Mr. Suchit Singh Rawat, Adv.

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

1. Delay condoned.
2. The special leave petition and writ petitions stand disposed of in terms of the signed order.
3. Pending application(s) together with applications for intervention, impleadment, etc. shall also stand disposed of.

**(RASHMI DHYANI PANT)
ASST. REGISTRAR-CUM-PS**

**(ANJALI PANWAR)
COURT MASTER (NSH)**

(signed order is placed on the file)