

CASE NO. CORRECTED IN PARAS 27(C) & 68*
 ITEM NOS.1501-1519 COURT NO.3 SECTION XI
 (HEARING THROUGH VIDEO CONFERENCING)

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

Petition for Special Leave to Appeal (C) No.6841/2020

(Arising out of impugned final judgment and order dated 06-05-2020 in SA No.207/2019 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

RAM SHARAN MAURYA & ORS. Petitioner(s)

VERSUS

STATE OF U. P. & ORS. Respondent(s)

WITH

SLP(C) No.6847/2020 (XI)
 SLP(C) No.7817/2020 (XI)
 CONMT. PET.(C) No.418/2020 in SLP(C) No. 6841/2020 (XI)
 Diary No.12189/2020 (XI)
 Diary No.12246/2020 (XI)
 SLP (C) No.6846 of 2020
 SLP (C) No.6842 of 2020
 SLP (C) No.6687 of 2020
 Diary No.11331 of 2020
 SLP (C) No.6848 of 2020
 SLP (C) No.6845 of 2020
 SLP (C) No.6850 of 2020
 SLP (C) No.6851 of 2020
 Diary No.11446 of 2020
 Diary No.11450 of 2020
 Diary No.12016 of 2020
 Diary No.13142 of 2020
 Diary No.13259 of 2020
 Diary No.13288 of 2020
 Diary No.11452 of 2020
 Diary No.12452 of 2020
 Diary No.13517 of 2020
 Diary No.14138 of 2020
 Diary No.12792 of 2020
 Diary No.12798 of 2020
 Diary No.13182 of 2020
 Diary No.13639 of 2020
 Writ Petition (Civil) No.703 of 2020
 Diary No.13872 of 2020
 Diary No.13888 of 2020

Date : 18-11-2020 These matters were called on for pronouncement of judgment.

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Hon'ble Mr. Justice Uday Umesh Lalit pronounced the Reportable Judgment of the Bench comprising Hon'ble Mr. Justice Uday Umesh Lalit and Hon'ble Mr. Justice Mohan M. Shantanagoudar.

Except Special Leave Petition (Civil) Diary No.13142 of 2020:
(i) permission to file Special Leave Petition is granted in all the concerned matters; and, (ii) Special Leave to Appeal is granted in all matters.

The operative portion of the Judgment reads as under:

"46. In the circumstances, we approve the conclusions drawn by the High Court with regard to this issue and hold that the B.Ed. candidates were rightly allowed to participate in the instant selection process.

65. In the circumstances, we affirm the view taken by the Division Bench of the High Court and conclude that in the present case, the fixation of cut off at 65-60%, even after the examination was over, cannot be said to be impermissible. In our considered view, the Government was well within its rights to fix such cut off.

66. Consequently, the challenge at the instance of Shiksha Mitras in all these matters, specifically referred to in Para 27 hereinabove, is negated and the appeals preferred by Shiksha Mitras are dismissed.

The appeal arising out of SLP(C) No.6846 of 2020 preferred by the Association of Shiksha Mitras also prayed for absorption of Shiksha Mitras. Such a prayer cannot be granted in view of the pronouncement of the decision of this Court in *Anand Kumar Yadav*². Said appeal is, therefore, dismissed.

67. Though we have rejected the challenge on behalf of the Shiksha Mitras and dismissed their appeals, we hope that in keeping with the submissions made on behalf of the State, as recorded in paragraph 34 hereinabove, one more opportunity shall be afforded to Shiksha Mitras to compete in the next selection. We leave it to the discretion of the State Government to consider the manner and the modalities in which such opportunity can be availed of. Needless to say, the matter in that behalf is entirely left to the discretion of the State Government.

68. In the appeals preferred by ex-servicemen or persons with disability, it was submitted that as against the vacancies earmarked for these categories, very few candidates had applied and at 65-60% cut off the number of qualified candidates was far lesser. The cut off at 65-60% having been held valid and justified, these appeals are also dismissed. If there are less number of candidates against the vacancies for these categories, such vacancies shall be subject to the Rules in that behalf. If the vacancies cannot be carried forward, the same shall and must enure to the advantage of the candidates in the present selection.

Similarly, Writ Petition (Civil)No.703 of 2020 and appeals arising out of petitions preferred by B.Ed./B.T.C. candidates as well as Contempt Petition (Civil)No.418* of 2020 and all Intervention Applications also stand disposed of in same terms. No costs.

69. The State Government shall now be entitled to fill up all the concerned posts in terms of the result declared on 12.05.2020 and in accordance with law."

Pending applications also stand disposed of.

(MUKESH NASA)
COURT MASTER

(BEENA JOLLY)
BRANCH OFFICER

(Signed Reportable Judgment is placed on the File)