

ITEM NO.10

COURT NO.10

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s). 20/2018

(Arising out of impugned final judgment and order dated 31-10-2017 in CWJC No. 21199/2013 passed by the High Court Of Judicature At Patna)

THE STATE OF BIHAR & ORS.

Petitioner(s)

VERSUS

THE BIHAR SECONDARY TEACHERS STRUGGLE
COMMITTEE MUNGER & ORS.

Respondent(s)

(With Interim Relief and IA No.289/2018-EXEMPTION FROM FILING O.T.
and IA No.10802/2018-impleading party)

WITH SLP(C) No. 254/2018 (XVI)
(IA No.2085/2018-EXEMPTION FROM FILING O.T.)

SLP(C) No. 169/2018 (XVI)
(With Interim Relief and IA No.1711/2018-EXEMPTION FROM FILING
O.T.)

SLP(C) No. 251/2018 (XVI)

SLP(C) No. 708/2018 (XVI)
(With Interim Relief and IA No.4331/2018-EXEMPTION FROM FILING
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SLP(C) No. 238/2018 (XVI)
(With Interim Relief and IA No.1945/2018-EXEMPTION FROM FILING
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SLP(C) No. 162/2018 (XVI)
(With Interim Relief and IA No.1550/2018-EXEMPTION FROM FILING
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SLP(C) No. 242/2018 (XVI)
(With Interim Relief and IA No.1974/2018-EXEMPTION FROM FILING
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SLP(C) No. 164/2018 (XVI)
(With Interim Relief and IA No.1594/2018-EXEMPTION FROM FILING
O.T.)

SLP(C) No. 572/2018 (XVI)

(With Interim Relief and IA No.3733/2018-EXEMPTION FROM FILING O.T.
and IA No.5529/2018-INTERVENTION/IMPLEADMENT)

SLP(C) No. 240/2018 (XVI)

(With Interim Relief and IA No.1960/2018-EXEMPTION FROM FILING
O.T.)

Date : 29-01-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Gopal Subramaniam, Sr. Adv.
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Manish Kumar, Adv.
Mr. Aditya Raina, Adv.
Mr. Shreyas Jain, Adv.
Mr. Gopal Singh, AOR

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Abhay Kumar, AOR
Mr. Himanshu, Adv.
Mr. Vikram Patralekh, Adv.

Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Subramonium Prasad, Sr. Adv.
Mr. Abhay Kumar, AOR
Mr. Saurabh Mishra, Adv.

Mr. P.S. Patwalia, Sr. Adv.
Mr. S.K. Divakar, Adv.
Mr. Mritunjay Kumar, Adv.
Mr. Dipesh Dwivedi, Adv.
Mr. Sudhakar Pandey, AOR

Mr. Amrendra Sharan, Sr. Adv.
Mr. Sanjeev Kumar, Adv.
Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Vijay Hansaria, Sr. Adv.
Mr. Neeraj Shekhar, AOR
Mr. Murari Kumar, Adv.
Mr. Animesh Kumar, Adv.
Mr. Sumit Kumar, Adv.
Mr. Ashutosh Thakur, Adv.
Mr. Rana Prashant, Adv.

Mr. R. Venkataramani, Sr. Adv.
Mr. Rakesh Mishra, AOR
Mr. Yashraj Singh Bundela, Adv.

Ms. Praveen Vignesh, Adv.

Mr. Yatindra Singh, Sr. Adv.

Mr. Ajay Kumar Singh, AOR

Mr. Vinay Kumar, Adv.

Mr. Satyendra Kr. Srivastava, Adv.

Ms. Sheenu Chauhan, Adv.

Mr. A.K. Sanghi, Sr. Adv.

Ms. Sadhana Sandhu, Adv.

Mr. M.K. Maroria, Adv.

Mr. Prashant Bhushan, Adv.

Mr. Govind Jee, Adv.

Mr. Amit Pawan, AOR

Mr. Abhishek Amrtanshu, Adv.

Mr. Anand Nandan, Adv.

Mr. Akshat Srivastav, Adv.

Mr. Hassan Zubai Waris, Adv.

Mr. Rohit R., Adv.

Mr. Dinesh Kr. Tiwari, Adv.

Ms. Rajmala D., Adv.

Mr. Keshav Choudhary, Adv.

Mr. Chandan Kr., Adv.

Ms. Shama Sharma, Adv.

Mr. Santosh Kumar Tripathi, AOR

Mr. Rana Ranjit Singh, AOR

Mr. Vivek Kumar Singh, Adv.

Mr. Ravish Singh, Adv.

Mr. Anand Nandan, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Jitendra Kumar, AOR

Mr. Abhijeet Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The question raised in this batch of petitions is whether there must be parity in the teachers recruited by the local bodies and teachers recruited by the State Government.

According to the stand of the State Government, the teachers recruited by the State Government prior to 2006 are a dieing cadre.

There are about 50,000 teachers in the category of teachers recruited by the State Government as against approximately 3,50,000 teachers in the category of the teachers recruited by the local bodies. It is submitted that there is thus, only one permanent category i.e. those recruited by local bodies. The salary paid to the second category is roughly Rs.20,000/- as against the salary of Rs.56,000/- on an average paid to the teachers recruited by the State Government as of now.

According to Mr. Mukul Rohatgi, learned senior counsel appearing for the State Government, if the High Court judgment is to be implemented approximately a sum of Rupees Fifty Thousand Crores may have to be paid as arrears and current liability will be Rupees Twenty Eight Thousand Crores per year.

These figures are disputed by learned counsel for the respondents. According to them, as per the affidavit filed before the High Court, the liability is less than Rupees Ten Thousand Crores per year and 60% of the amount is paid by the Central Government.

Even though, on principle, there has to be parity in the salary of the teachers, whether recruited by the State Government or by the local bodies. If any filters, consistent with the law, are required to be employed for giving the parity, the same can be done. However, question is of applicability of such principle where category of teachers in first category is declared a dying cadre. Secondly, we need to consider whether it is practical to fasten the State Government with the liability for the arrears.

The stand of the State is that in future there will be only one category i.e. teachers recruited by the local bodies. Even in such situation, there has to be rational in the pay package of the teachers recruited by the local bodies. In doing so, the amount paid by the Central Government ought to be utilised by the State Government and the State Government may consider the view-point of the respondents and come out with a proposal which may be reasonable. It may constitute an Expert Committee of at least 3 officers in the rank of the Chief Secretary. The said Committee will also be free to interact and consider the view-point of the concerned teachers as well as any other stakeholders, in case any suggestion is received by it. Such suggestion may be addressed/given to the Chief Secretary which in turn can be considered by the Expert Committee.

We accordingly adjourn the matter to 15th March, 2018 for further consideration.

We consider it necessary to request Mr. P.S. Narasimha, learned Additional Solicitor General, to assist the Court to place the view-point of the Central Government before the Court.

Status quo, as on today, be maintained in the meantime.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

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