

ITEM NO.1504
(For Judgment)

COURT NO.10

SECTION XI

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

Civil Appeal NO.9546 of 2017

(Arising out of SLP (C)No.19091 of 2017 @ CC No(s). 13922/2016)

RAM KUMAR PATEL & ORS. ETC.

Appellants (s)

VERSUS

STATE OF U.P & ORS. ETC.

Respondent (s)

WITH

Civil Appeal NO.9547 of 2017

(Arising out of SLP (C)No. SLP(C) No. 1121/2017 (XI)

Civil Appeal NO.9548 of 2017

(Arising out of SLP(C) No. 2921/2017 (XI)

Civil Appeal NO.9549 of 2017

(Arising out of SLP(C) No. 1725/2017 (XI)

Civil Appeal NO.9551 of 2017

(Arising out of SLP(C) No. 2932/2017 (XI)

Civil Appeal NO.9550 of 2017

(Arising out of SLP(C) No. 1980/2017 (XI)

Civil Appeal NO.9706 of 2017

(Arising out of S.L.P.(C)No.19116 of 2017 @ CC No. 2417/2017 (XI)

Civil Appeal NO.9710 of 2017

(Arising out of S.L.P.(C)No.19117 of 2017 @ S.L.P.(C)...CC No. 3861/2017 (XI)

Civil Appeal NO.9554 of 2017

(Arising out of SLP(C) No. 5846/2017 (XI)

Civil Appeal NO.9715 of 2017

(Arising out of S.L.P.(C)No.19118 of 2017 @ S.L.P.(C)...CC No. 4204/2017 (XI)

Civil Appeal NO.9716 of 2017

(Arising out of S.L.P.(C)No.19121 of 2017 @ S.L.P.(C)...CC No. 3978/2017 (XI)

W.P.(C)No.107 of 2016 (X)

W.P.(C)No.167 of 2015

W.P. (C)No.900 of 2016

Civil Appeal No.9719 of 2017

(Arising out of SLP(C)No.19127 of 2017 @ CC No.3975 of 2017)

Civil Appeal No.9718 of 2017

(Arising out of SLP(C)No.6607 of 2017)

Civil Appeal No.9720 of 2017

(Arising out of SLP(C)No.3050 of 2017)

Date : 25-07-2017 These matters were called on pronouncement of judgment today.

For Appellant(s)/
Petitioner(s)

Mr. V.K. Mishra, Adv.
Mr. Rameshwar Prasad Goyal, AOR
Mr. Sajith. P, AOR
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Ms. Amit Pawan, AOR
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For Respondent(s)

Amit Pawan, AOR
Mr. Harish Pandey, AOR
Mr. M. R. Shamshad, AOR
Mr. Sibho Sankar Mishra, AOR

Hon'ble Mr. Justice Adarsh Kumar Goel pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Uday Umesh Lalit.

Permission to file the special leave petition(s) is granted. Delay, if any, is also condoned.

Leave granted in the special leave petitions.

In terms of the signed Reportable Judgment, the appeals are allowed:

"10. The NCTE has taken a stand that its notification suggesting weightage to TET marks was not mandatory. The original writ petitioners however support the impugned judgment by submitting

that since the issue is covered by Entry 25 List III of the Seventh Schedule to the Constitution, any standard laid down by the Central Government will bind the State and any conflicting decision of the State will be unconstitutional.

11. We find that there is no conflict in the notification issued by the Central Government and the amendment to the State Rules since the Notification dated 11th February, 2011 to the extent of suggesting weightage to TET marks can be held to be merely a guideline.

12. We have already dealt with the matter in Civil Appeal Nos. 4347-4375 of 2014 entitled *State of U.P. and ors. versus Shiv Kumar Pathak and Ors.* and held that weightage to the TET marks was not mandatory and the State rules, not being in conflict with the norms laid down by the NCTE, may not be held to be void on the ground of repugnancy.

13. Accordingly, we allow these appeals and set aside the impugned judgment. The State is at liberty to proceed with the matter in accordance with law."

Writ petitions shall also stand disposed of in terms of the judgment passed in civil appeal arising out of SLP(C)NO.....CC No.13922 of 2016.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
ASSISTANT REGISTRAR

(Signed Reportable judgment is placed on the file)