

ITEM NO.6

COURT NO.14

SECTION XIV

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 for Special Leave to Appeal (C) No. 13742/2015

(Arising out of impugned final judgment and order dated 18-03-2015
in WPC No. 6192/2011 passed by the Gauhati High Court)

MD. HABIBULLAH & ORS.

Petitioner(s)

VERSUS

STATE OF ASSAM & ORS.

Respondent(s)

WITH

SLP(C) No. 13843-13844/2015 (XIV)
(IA No. 138909/2018 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 13841/2015 (XIV)
(IA No. 138921/2018 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 18417-18418/2015 (XIV)

Date : 16-02-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Manan Verma, AOR

Mr. Arunabh Chowdhury, Sr. Adv.
Mr. Vaibhav Tomar, Adv.
Mr. Karma Dorjee, Adv.
Ms. Barmali Chowdhury, Adv.
Mrs. Pragya Baghel, AOR

For Respondent(s) Mr. Vikash Singh, AOR

Mr. Nalin Kohli, Sr. AAG
Mr. Shuvodeep Roy, AOR
Ms. Nimisha Menon, Adv.
Mr. Ishaan Borthakur, Adv.

Mr. Anish Kumar Gupta, AOR

Mr. Ravinder Agarwal, Adv.

Mr. Lekh Raj Singh, Adv.

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

Applications for intervention/impleadment are allowed.

We have heard learned counsel for the petitioners and the respondents.

We are of the opinion that the petitioners are not entitled to any benefit of the Notification dated 26th August, 2011 as the exemption clauses therein would only apply to selection for posts after the enforcement of or to recruitment in terms of the Right of Children to Free and Compulsory Education Act, 2009. The notification grants exemption in terms of sub-section (2) of Section 23 of the said Act. Accordingly, the reliance placed on paragraph (vi) of the Notification dated 26th August, 2011 is misconceived as the advertisement in question was issued on 02.12.2005.

Recording the aforesaid, the Special Leave Petitions are dismissed.

Pending applications shall also stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(RANJANA SHAILY)
COURT MASTER (NSH)