

ITEM NO.58

COURT NO.3

SECTION XVII-B

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

MISCELLANEOUS APPLICATION Diary No(s). 48396/2025

[Arising out of impugned final judgment and order dated 30-01-2025 in C.A. No. No. 1298/2025 passed by the Supreme Court of India]

RAJ KUMAR MAHTO

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND & ORS.

Respondent(s)

(IA No. 218942/2025 - APPLICATION FOR PERMISSION IA No. 212875/2025 - CLARIFICATION/DIRECTION IA No. 218109/2025 - CONDONATION OF DELAY IN FILING IA No. 212877/2025 - EXEMPTION FROM FILING O.T.)

WITH

Diary No(s). 31001/2025 (XVII-B)

(IA No. 143263/2025 - APPLICATION FOR PERMISSION IA No. 143264/2025 - CLARIFICATION/DIRECTION IA No. 143262/2025 - INTERVENTION/IMPLEADMENT IA No. 175337/2025 - INTERVENTION/IMPLEADMENT)

Diary No(s). 39011/2025 (XVII-B)

(FOR CLARIFICATION/DIRECTION ON IA 167570/2025 FOR APPLICATION FOR PERMISSION ON IA 167581/2025 FOR EXEMPTION FROM FILING O.T. ON IA 167584/2025 FOR impleading party ON IA 167590/2025 FOR INTERVENTION/IMPLEADMENT ON IA 167590/2025 FOR CONDONATION OF DELAY IN FILING ON IA 173221/2025 FOR INTERVENTION APPLICATION ON IA 180893/2025 FOR impleading party ON IA 12571/2026 FOR)

Diary No(s). 43106/2025 (XVII-B)

(IA No. 197600/2025 - APPLICATION FOR EXEMPTION FROM FILING THE RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT IA No. 196569/2025 - APPLICATION FOR PERMISSION)

SLP(C) No. 25455/2025 (XVII-B)

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 10056/2026 FOR EXEMPTION FROM FILING O.T. ON IA 28083/2026)

SLP(C) No. 25459/2025 (XVII-B)

(IA No. 252986/2025 - APPLICATION FOR PERMISSION IA No. 252987/2025 - INTERVENTION/IMPLEADMENT)

Diary No(s). 59613/2025 (XVII-B)

FOR APPLICATION FOR PERMISSION ON IA 262360/2025 FOR APPLICATION

FOR EXEMPTION FROM FILING THE RESIDENTIAL ADDRESS OF RESPONDENT/
CONTEMNOR WITH AFFIDAVIT ON IA 262362/2025 FOR EXEMPTION FROM
FILING O.T. ON IA 262364/2025 FOR PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES ON IA 279282/2025 FOR INTERVENTION
APPLICATION ON IA 302954/2025 FOR impleading party ON IA
309461/2025 FOR INTERVENTION/IMPLEADMENT ON IA 309461/2025 FOR
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
6225/2026 FOR EXEMPTION FROM FILING O.T. ON IA 6230/2026 FOR
impleading party ON IA 15029/2026 FOR INTERVENTION/IMPLEADMENT ON
IA 15029/2026 FOR EXEMPTION FROM FILING O.T. ON IA 34737/2026 FOR
INTERVENTION APPLICATION ON IA 38438/2026 FOR impleading party ON
IA 49367/2026 FOR INTERVENTION/IMPLEADMENT ON IA 49367/2026)

Diary No(s). 64804/2025 (XVII-B)

(IA No. 290602/2025 - APPLICATION FOR EXEMPTION FROM FILING THE
RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT IA No.
290586/2025 - APPLICATION FOR PERMISSION)

Date : 19-05-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. Kumar Shivam, AOR
Mr. Rajarshi Singh, Adv.
Mr. Sameer Ranjan, Adv.
Mr. Giri Prasad, Adv.

Mr. Talwant Singh, Sr. Adv.
Mr. Rahul Kaushik, Sr. Adv.
Mr. K.p.singh, Adv.
Mr. Junaish P, Adv.
Mr. Rishabh Thakur, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Sourabh Mishra, Sr. Adv.
Ms. Sharmila Upadhyay, AOR

M/S. Hooda & Co., AOR

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Rajarshi Singh, Adv.
Ms. Amrita Panda, AOR
Mr. Siddharth Venugopal, Adv.

Mr. Salman Khurshid, Sr. Adv.
Ms. Nagma Imtiaz, Adv.
Mr. Zargham Ahmed, Adv.
Mr. Saif Naseem, Adv.

Ms. Jyoti Singh, Adv.
Ms. Anna Darakshana, Adv.
M/S. Equity Lex Associates, AOR

For Respondent(s) : Ms. Pallavi Langar, AOR
Mr. Rajiv Shankar Dwivedi, Adv.
Ms. Snigdha Singh, Adv.
Mr. Shushant Sarkar, Adv.
Ms. Priyanka Parmar, Adv.
Ms. Priya, Adv.
Ms. Sugandha Bharddwaj, Adv.
Mr. Bhushan, Adv.

Mr. Arunabh Chowdhury, A.A.G.
Mr. P. S. Sudheer, Adv.
Ms. Tulika Mukherjee, AOR
Mr. Beenu Sharma, Adv.
Mr. Venkat Narayan, Adv.

Ms. Rohini Prasad, AOR
Ms. Ashika Ranjan, Adv.
Ms. Anupama Jha, Adv.

Mr. Aabhas Parimal, Adv.
Mr. Somanatha Padhan, AOR

Mr. Mandeep Kalra, AOR
Ms. Radhika Narula, Adv.
Ms. Anushna Satapathy, Adv.
Ms. Chitragada Singh, Adv.
Mr. Yashas J, Adv.
Mr. Vaibhav Yadav, Adv.
Mr. Paras Mohan Sharma, Adv.

Mr. Sahil Bhalai, AOR

Mr. Kumar Shivam, AOR
Mr. Rajarshi Singh, Adv.
Mr. Sameer Ranjan, Adv.
Mr. Giri Prasad, Adv.

Mr. Ashish Pandey, AOR

M/S. Mukesh Kumar Singh And Co., AOR
Mr. Mukesh Kumar Singh, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Jeetender Kumar, Adv.
Ms. Kajal Rani, Adv.
Mr. C.m. Dwivedi, Adv.

Mr. Chirayu Sharma, Adv.
Mr. Kadam Hans, Adv.
Mr. A.k Chaturvedi, Adv.
Mr. Harsh Chaturvedi, Adv.
Ms. Komal Singh, Adv.

Ms. Tanya Agarwal, AOR
Mr. Krishna Kumar Keshav, Adv.

M/S. Hooda & Co., AOR

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

DIARY NO. 48396 AND 31001 OF 2025

1. Delay condoned.

2. After hearing learned counsel for the applicants, we do not find any ground to entertain these miscellaneous applications, since the application has not been filed to correct some clerical or arithmetic error, nor has the applicant shown that the judgment dated 30.01.2025 in Civil Appeal No. 1298 of 2025 has become non-executable due to subsequent events. Guidance in this regard may be taken from the reportable judgment of this Court in Miscellaneous Application No. 1276/2026 titled as '*Fakir Mamad Suleman Sameja & Ors. v. Adani Ports and Special Economic Zones Ltd. & Ors.*' pronounced on 12.05.2026 (2026 INSC 483).

3. Accordingly, the Miscellaneous Applications are dismissed. Pending applications, if any, including application for intervention/impleadment shall stand disposed of.

Diary No(s). 39011/2025

4. Delay condoned.

5. The instant miscellaneous application seeking clarification of the judgment dated 30.01.2025 in Civil Appeal No. 1298 of 2025.

6. After hearing, we find that the Applicants are persons who had participated in the recruitment process pursuant to several orders of the High Court extending the timeline for application in the recruitment process which was the subject matter of dispute in Civil Appeal No. 1298 of 2025. In our judgment dated 30.01.2025 in Civil Appeal No. 1298 of 2025, we have found that the final judgment of the High Court warranted interference and as such, the High Court's final order was set aside.

7. In such circumstances, the application made by the Applicants during the extended period of application submissions has been rejected by the State. The Applicants' plea that they were otherwise eligible in terms of the judgment dated 30.01.2025, but had applied during the timeline extended by the High Court, therefore, cannot be agitated by means of this miscellaneous application.

8. This miscellaneous application has not been filed to correct some clerical or arithmetic error, nor have the applicants shown that the judgment dated 30.01.2025 in Civil Appeal No. 1298 of 2025 has become non-executable due to subsequent events. Guidance in this regard may be taken from the reportable judgment

of this Court in Miscellaneous Application No. 1276/2026 titled as '*Fakir Mamad Suleman Sameja & Ors. v. Adani Ports and Special Economic Zones Ltd. & Ors.*' pronounced on 12.05.2026 (2026 INSC 483)

9. Accordingly, the Miscellaneous Application is dismissed. Pending applications, if any, including application for intervention/impleadment shall stand disposed of.

SLP(C) No.25455 AND 25459 OF 2025

10. After arguing, learned senior counsel appearing for the Petitioners seek permission to withdraw these special leave petitions and submits that they may be permitted to apply for review before the High Court.

11. Learned counsel for the State is having no objection for withdrawal, however, he raised an objection that no liberty should be given to the Petitioners. At present, we are not commenting on the same.

12. As prayed by the Petitioners, these special leave petitions are permitted to be withdrawn. They can apply for review, if permissible under law.

**CONTEMPT PETITION (CIVIL) DIARY NO. 43106 OF 2025
IN CIVIL APPEAL NO. 1297 OF 2025**

**CONTEMPT PETITION (CIVIL) DIARY NO. 59613 OF 2025
IN CIVIL APPEAL NO. 1297 OF 2025**

CONTEMPT PETITION (CIVIL) DIARY NO. 64804 OF 2025
IN CIVIL APPEAL NO. 1297 OF 2025

13. The instant contempt petitions have been filed alleging non-compliance of judgment dated 30.01.2025 passed in Civil Appeal No. 1297 of 2025.

14. Contempt Petition (C)Diary No. 59613 of 2025 has been filed *inter alia* contending that the candidates who were in reserved category having higher merit and were required to be migrated under the unreserved category as per the advertisement, have wrongly been put in the reserved category merit list.

15. For appreciating the scope of the contempt petitions within the purview of the directions, it is necessary to refer to the directions issued in the judgment passed in the aforementioned Civil Appeal:

“(i) The impugned judgment of the High Court permitting the candidates of CTET and STET holders of neighbouring States to participate in ongoing selection process to the post of Assistant Teacher of Primary and Upper Primary schools pursuant to Advertisement No. 13 stands set-aside;

(ii) The JTET holders who were possessing the requisite qualification under the 2022 Recruitment Rules, prior to the 2024 Amendment and participated shall be eligible for appointment and their result be declared forthwith and the appointments be made strictly on merit;

(iii) We make it clear that CTET holders or STET holders, who have applied after the judgment of the High Court or after amendment in the rules or advertisement would not be eligible for the

recruitment in furtherance to the Advertisement No. 13/2023."

16. It has been brought to our notice that under the Advertisement, Paragraph 19 governs the preparation of the merit list based on the Main Examination with a stipulation that marks obtained in the mother tongue subject shall only be qualifying wherein the candidates ought to obtain 30% minimum marks in this paper; only after obtaining such marks, the other papers shall be checked. It was clarified that the marks obtained in the mother tongue would not be included in preparation of the merit list. Clause (v) of Paragraph 19 further indicates the manner in which the merit list is to be prepared.

17. Clauses (iv) to (vii) of Paragraph 19 of the Advertisement are relevant, therefore, reproduced as thus:

"(iv) In case reserved category candidate comes in merit list prepared for unreserved posts on same criteria basis, calculation of such candidate shall be done against admissible posts of unreserved category and their reservation category shall also remain the same against their names. In this regard, updated instructions received from State Government shall be followed.

(v) Candidates obtaining less than following minimum qualifying marks in examination shall not be included in merit list:

i. Unreserved/Economically Weaker Section (EWS) -40 (forty) percent

ii. Scheduled Caste/Scheduled Tribe and Women - 32(thirty-two) percent

iii. Most Backward Class (Schedule-1) - 34 (thirty four)percent

iv. Backward Class Schedule-2 - 36.5 (thirty-six and half) percent

v. Primitive Tribe - 30 (thirty) percent

(vi) Based on above sub-clauses, general merit list shall be prepared and thereafter reservation category-wise selection list shall be formed with respect to vacancies.

(vii) Candidates obtaining less than following minimum qualifying marks in examination shall not be included in merit list."

18. As per Paragraph 19(iv), reserved candidates who come in the merit list prepared for unreserved posts shall be included merit wise if their marks are above the unreserved candidates. Therefore, the migration of a candidate of a reserved category who secured higher marks is permitted to the unreserved category.

19. In view of clause (v) of Paragraph 19, it is clear that the minimum qualifying marks in the examination make the candidates eligible for inclusion of their names in the merit list. In the Unreserved / Economically Weaker Section (EWS), Scheduled Caste / Scheduled Tribe and Women, Most Backward Class, Backward Class and Primitive Tribe categories, the respective percentage of minimum qualifying marks has been specified. It is further clarified that in terms of the subclauses referred to in 19(v) (i) to (v)(v), general merit list was required to be drawn,

thereafter the reservation category wise selection list shall be formed with respect to the vacancies. It has also been clarified that the candidates obtaining less than the minimum qualifying marks in examination shall not be included in the merit list.

20. Paragraph 20 of the Advertisement relates to the verification of the candidates' certificates which is also relevant therefore, reproduced as under:

"20. Verification of Candidates' Certificates

After forming draft merit list based on Clause 20 of the prospectus, certificates related to eligibility/qualification of finally successful candidates shall be checked by the Commission. During checking of certificates, if verification of claims mentioned in application form of candidates of any category is not possible and their candidature is not established for vacancy of that category, then in such situation, lower ranked candidates shall be invited by the Commission for checking of certificates in light of availability in merit list against vacant posts in related category."

21. After perusal of the above Paragraphs 19(v) and 20 of the Advertisement applying both clauses harmoniously, it is clear that the merit list as per the existing vacancies ought to be prepared and in case, on verification, any candidate is not found eligible, the Commission is at liberty to call for the candidates who are below in the category in the merit list. It would not mean that the persons who have scored below the

minimum qualification marks as prescribed in clause v of Paragraph 19, can be included therein.

22. After perusal of the reply filed by the Commission, it appears that contempt petitioners have not been included in the merit list because they 'have secured marks lesser than that of the last selected candidate in their respective subjects'. The intent of the said reply, in *prima facie* perception is that the selected candidates who have scored above the percentage prescribed category-wise in clause (v) of Paragraph 19 ought to be put in the merit list. Therefore, in terms of the conditions specified in the Advertisement the merit list was required to be redrawn, if necessary, and the Commission is required to answer about the status of the contempt petitioners who are alleging non-compliance of the directions whereby the list was required to be prepared strictly in accordance with the merit.

23. It is needless to observe that in all the categories, vacancies are available therefore, the plea of non-availability of the vacancy is not germane to the extent if a candidate secured marks above the minimum qualifying marks as prescribed in clause (v) of Paragraph 19 of the Advertisement.

24. Simultaneously, the issue of migration observed in 19(iv) is also required to be explained.

25. In this view of the matter, we direct the Commission to file a fresh reply indicating the compliance in terms of the observations made hereinabove in light of the main direction within a period of four weeks from today.

26. We hope and trust that the Commission shall supply the list of the petitioners/intervenors/impleaders who fall within the

purview of the directions as issued hereinabove and if some of the persons do not fall within the same, reasons thereof be also specified in the counter affidavit.

27. Rejoinder, if any, may be filed within two weeks thereafter.

28. In view of the foregoing, we postpone the hearing of this case for a period of six weeks.

29. List on 20th July, 2026.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR