

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 1424/2024 @ SLP(C) No.3817/2022

THE STATE OF UTTAR PRADESH

APPELLANT(S)

VERSUS

IN RE CONSTITUTION OF EDUCATION
TRIBUNALS (SUO MOTO)

RESPONDENT(S)

O R D E R

Per Court

1. Leave granted.
2. This appeal challenges the order dated 03.03.2021 passed by the Division Bench of the High Court of Judicature at Allahabad.
3. It appears from the order that the Division Bench of the High Court took suo moto cognizance of the call for absentation given by the High Court Bar Association, Allahabad and Awadh Bar Association, High Court, Lucknow from the judicial work is a proposed enactment in the name of Uttar Pradesh Service Tribunal Act, 2021 (for short, 'the Act of 2021').
4. It appears that the grievance of the Bar Association was that the establishment of the Tribunals, as proposed under the said Act of 2021, would not satisfy the object of

expeditious disposal of the cases concerned.

5. We have heard Shri Sharan Thakur, learned Additional Advocate General for the State of Uttar Pradesh. He submits that the interim directions issued by the High Court need to be stayed till the High Court decided the matter on its own merits.

6. The High Court, by the impugned order, has issued the following directions:-

“(i) The Chief Justice, Allahabad High Court be requested to constitute appropriate dedicated Benches at Allahabad as well as at Lucknow for expeditious disposal of service matters related to teaching and non-teaching staff of aided institutions.

(ii) The Legislature may complete the process of enacting the Act of 2021, if so desires, but, shall establish Educational Tribunals as proposed only after the leave of this Court.

(iii) The State Government is requested to invite representatives of the Bar Associations of the Allahabad High Court at Prayagraj as well as at Lucknow to have deliberations with regard to their demands which are being agitated by different demand charters while giving the present call for absentation from judicial work.”

7. We find that the direction No.(ii) issued by the High Court in effect requires the State to establish the Tribunal only after the leave of the Court.

8. In our considered view, the High Court by way of the interim order could not have passed an order which have the effect of encroaching upon the areas reserved for the Legislature and the Executive.

9. Our Constitution recognizes the independence of the three wings of the State, i.e. the Executive, Legislature and the Judiciary.

10. No doubt that if the High Court found that the legislature concerned was not valid on account of any of the grounds available within the limited scope of judicial review under Article 226 of the Constitution of India, it could set aside such a legislation. But by way of an interim order it could not have in effect stayed the operation of the said Statute.

11. In that view of the matter, we stay the aforesaid directions issued by the High Court. Since the matter is pending before the High Court, we request the High Court to decide the petition pending before it on its own merits, in accordance with law.

12. Needless to state that the stay order passed by us shall continue to operate till the disposal of the matter before the High Court.

13. With the above observations and directions, the appeal is disposed of.

14. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(SANJAY KAROL)

NEW DELHI;
JANUARY 30, 2024

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

Petition(s) for Special Leave to Appeal (C) No(s). 3817/2022

(Arising out of impugned final judgment and order dated 03-03-2021 in PIL No. 599/2021 passed by the High Court of Judicature at Allahabad)

THE STATE OF UTTAR PRADESH

PETITIONER(S)

VERSUS

IN RE CONSTITUTION OF EDUCATION TRIBUNALS (SUO MOTO) RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.30405/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 30-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Sharan Dev Singh, A.A.G.
Ms. Sakshi Kakkar, AOR
Mr. Mustafa, Adv.

For Respondent(s)

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

1. Leave granted.
2. The appeal is disposed of, in terms of the signed order.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

(Signed order is placed on the file)