

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.908/2019

GIRISHA CHANDRA MISHRA & ORS.

PETITIONER (S)

VERSUS

UNION OF INDIA

RESPONDENT (S)

O R D E R

The petitioners have filed this Writ Petition seeking the following reliefs:

- a). To issue a writ of mandamus to direct the Respondent to revise the selection procedure to accommodate every candidate.
- b) To scrap the jury system at National level and to stop fresh assessment of the candidates who have come through an exhaustive procedure from different states.
- c) To grant any other relief in the interest of justice as this Hon'ble Court may deem fit in the particular facts and circumstances of the case."

The aforesaid reliefs have been sought in the context of the National Award for Teachers (hereinafter "NAT" for the sake of brevity) Scheme initially formulated in the year 1958-1959 to recognize and celebrate the contribution of teachers in primary, middle and higher secondary schools, by presenting awards on 5th September every year. Each award carried with it a certificate of merit, a cash award of Rs. 25,000/- (Rupees Twenty-Five Thousand) and a silver medal.

In the year 1967-1968, the scope of the Scheme was enlarged to cover teachers of Sanskrit Pathshalas etc. run on traditional lines. The scope of the Scheme was further enlarged in the year 1976 to cover teachers of Arabic/Persian in Madrasas. From the year 1993, teachers from Sainik Schools, Navodaya Vidyalayas and schools run by Atomic Energy Education Society were also included under the said Scheme.

Classroom teachers with at least fifteen years regular teaching experience and Headmasters with twenty years of regular teaching experience were eligible to be considered for the award under the NAT Scheme. Primary as well as Secondary School teachers were eligible to be considered. For teachers promoting integrated inclusive education, the number of years of teaching experience required, stood reduced from fifteen years to ten years, and for headmasters engaged in promoting integrated inclusive education, from twenty years to fifteen years.

There was a quota allocated to each State/Union Territory under the NAT Scheme. A two-tier selection procedure was followed, i.e., at the district level where names recommended by the District Education Officer on the basis of the teacher's record of work and thereafter, at the State level by the State Selection Committee which scrutinized the recommendations and forwarded the same to the State Government which would in turn forward the same, together with character certificates of the candidates to the Union Government, based on the quotas of the respective States.

In addition to the State/Union Territory-wise allocation of quotas, there were certain awards earmarked for teachers engaged in

Council for Indian Schools Certificate Examination (CISCE) affiliated schools, Central Board of Secondary Education (CBSE) affiliated schools and teachers promoting integrated inclusive education. The State/Union Territory-wise allocation of quotas was to include teachers from Kendriya Vidyalayas, Navodaya Vidyalayas, Sainik Schools, schools run by Atomic Energy Education Society and Sanskrit, Arabic and Persian teachers.

On 15th June, 2018, the Ministry of Human Resource Development, Government of India notified the National Award to Teachers, 2017-Revised Guidelines (hereinafter referred to as "Revised Guidelines, 2018") whereby a revised selection procedure was adopted. The applications were to be made online through a web-portal and every applicant was required to submit an application form together with a portfolio.

Selection Committees were constituted at the District and State level and once a candidate had been scrutinized and recommended at these two levels, he/she was required to deliver a presentation before an independent jury at the National level. Objective as well as performance-based criteria were prescribed. The State/Union Territory quota for recommending prospective candidates, was decreased from 312 candidates to 145 candidates. Only 47 candidates would be selected by the National Jury, to whom the award would be presented. Before the Revised Guidelines, 2018 were introduced, it is stated that 374-378 candidates were being awarded each year from the year 2000.

It is in the said backdrop that the instant Writ Petition has been filed by the Petitioner contending *inter-alia* that the Revised

Guidelines, 2018 had made the system opaque and discriminatory.

The learned counsel for petitioners submitted that the revised criteria adopted for selection of the teachers for bestowing National Awards is discriminatory and therefore, the Writ Petition has been filed for revision of the criteria. He submitted that the teachers from about ten States have jointly filed this Writ Petition seeking a revision in the selection procedure to accommodate every candidate and every category of teachers. Therefore, the present criteria may be modified as per the prayers sought.

Sri Vikramjit Banerjee, Learned ASG appearing for the Union of India submitted that the awards given to the teachers is based on certain criteria which have been formulated by the Union of India as a matter of policy and therefore, the petitioners herein cannot seek a revision of the selection procedure as the same has been made based on expert opinion and consideration of the relevant criteria. That therefore, the reliefs sought for by the petitioners cannot be granted in this petition, particularly when the issue touches upon a matter concerning the policy of the respondent - Union of India

Having heard learned counsel for the respective parties, the only relief that we can grant to the petitioners herein is to grant liberty to make a detailed representation to the respondent so that the same could be taken into consideration, in the event, the respondent intends to revise the selection procedure in future.

It is needless to observe that if the respondent finds that the representation has certain aspects which could be considered for revision of the selection procedure and implemented, the same may be accordingly considered.

With the aforesaid observations, the Writ Petition stands disposed of.

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

.....J.
(B.V. NAGARATHNA)

.....J
(PRASHANT KUMAR MISHRA)

NEW DELHI;
JULY 14, 2023

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 SWRIT PETITION (CIVIL) NO(S). 908/2019

GIRISHA CHANDRA MISHRA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Date : 14-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRAFor Petitioner(s) Mr. Sanjeev Bhatnagar, Adv.
Mr. Sounak S Das, Adv.
Mr. Anshul Kumar, Adv.
Mr. Prakash Ranjan Nayak, AORFor Respondent(s) Mr. Vikramjit Banerjee, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Dr. Arun Kumar Yadav, Adv.
Mr. Nachiketa Joshi, Adv.
Ms. Shruti Agarwal, Adv.
Mr. Saransh Kumar, Adv.
Mr. B K Satija, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Ms. Akansha, Adv.
Mr. Kartik Dey, Adv.UPON hearing the counsel the Court made the following
O R D E RThe Writ Petition stands disposed of in terms of the signed
order which is placed on the file.

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

(RADHA SHARMA)
COURT MASTER (SH)(MALEKAR NAGARAJ)
COURT MASTER (NSH)