2026 INSC 871

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 10063/2026
@SLP (C) No. 30090/2017

SIYARAM EDUCATION SOCIETY **Appellant(s)**

VERSUS

CHHAYA D/O BALIRAM DHAVE & ORS. **Respondent(s)**

WITH

C.A. Nos. 10064-10065/2026
@SLP (C) Nos. 32191-32192/2017

MAHARASHTRA ACADEMY OF ENGINEERING AND EDUCATIONAL RESEARCH AND ANOTHER **Appellant(s)**

VERSUS

MAHENDRA AND OTHERS **Respondents**

AND WITH

C.A. No. 10066-10067/2026
@SLP (C) Nos. 32208-32209/2017

MAHARASHTRA ACADEMY OF ENGINEERING AND EDUCATIONAL RESEARCH AND ANOTHER **Appellant(s)**

VERSUS

ANIL AND OTHERS **Respondents**

O R D E R

1. Leave granted.

2. These appeal(s) arise from a common judgment order of the High Court of Judicature at Bombay, Bench at Aurangabad[1], dated 20.03.2017, whereby eight writ petitions were disposed of in the following terms:

> "29. In the result, we pass the following order:
>
> (i) The respondents (Educational Institutions) shall fix pay scales of the petitioners (Teachers) as provided in Schedule 'C' of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981 as existing prior to and after the Amendment Rules of 2016, respectively.
>
> (ii) The respondents (Educational Institutions) shall pay salary to the petitioners (Teachers) as prescribed in Schedule 'C' regularly from April, 2017 actually payable in May, 2017.
>
> (iii) The petitioners (Teachers) are entitled to get arrears, if any, of additional pay accumulated due to revised pay fixation in terms of clause (i) above.
>
> (iv) The respondents shall pay arrears payable to the petitioners due to revised pay fixation, within six months from today.
>
> (v) The impugned letter dated 31st December, 2015, issued by the Deputy Director of Education, Latur and the letter dated 11th March,2016 issued by

1"High Court"

> the Accounts Officer, Audit Squad (Education Department), Nanded are quashed and set aside.
>
> (vi) The respondents are restrained from making recovery of any amount from the petitioners towards excess payment made to them on account of wrong pay fixation.
>
> (vii) The Writ Petitions are allowed in the above terms and Rule is made absolute accordingly.
>
> (viii) The parties shall bear their own costs."

RELEVANT FACTS

3. The appellant(s) before us are all private unaided institutions who are aggrieved by the directions (supra).

4. The writ petitioners before the High Court were teachers working in private unaided educational institutions. Their case before the High Court was that the *Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977* [2] is an Act to regulate recruitment and conditions of service of employees in certain private schools in the State, with a view to providing such employees security and stability of service to enable them to discharge their

2"The 1977 Act" or "the Act"

duties towards the pupils and their guardians in particular, and the institution and the society in general, effectively and efficiently. Section 3 thereof makes provisions of the Act applicable to all private schools in the State of Maharashtra, whether receiving any grant-in-aid from the State Government or not. Section 4 of the Act empowers the State Government to make rules, *inter alia*, providing for the terms and conditions of service including pay. Sub-section (3) of Section 4 provides that if the scales of pay and allowances are less favourable than those provided by the rules, the Director would write to the Management to bring it to the same level within specified period and on failure to do so, recognition of the school can be withdrawn albeit after affording opportunity of hearing to the management. According to the writ petitioners, in exercise of powers conferred by Section 16 read with Section 4 of the 1977 Act, the State Government had notified the *Maharashtra*

Employees of Private Schools (Conditions of Service) Rules, 1981[3]. Rule 7 of the 1981 Rules provides for the scales of pay and allowances for full-time as well as part-time Heads, Assistant Heads, Supervisors, Teachers and non-teaching staff in the primary schools, secondary schools etc. It is their case that initially their scales of pay was fixed in terms of the Rules, but, later, when the Rules came to be amended, and higher scales became applicable, the institutions failed to fulfil the statutory obligations and therefore, writ petitioners had to represent to the educational authorities and when they failed to secure any relief to the writ petitioners, they invoked the writ jurisdiction of the High Court.

5. Before the High Court, the private educational institutions contested the proceedings, *inter alia*, on the following grounds:

> (i) Writ Petition(s) were not maintainable as no *mandamus* can be issued to a private unaided educational institution; and

3 "The 1981 Rules" or "the Rules"

(ii) The revised scales of pay sought through writ petition(s) were under the amended Rules notified but not laid before the Legislature as per the provisions of Section 16(4) of the 1977 Act, therefore neither operable nor implementable.

HIGH COURT'S VIEW

6. On the issue of maintainability of the writ petition(s), the High Court took the view that education involves public interest and, when the State by a statute regulates the service conditions *qua* recruitment, etc. and mandates institutions to pay salaries to teachers at a certain scales of pay, there is a public element to it, thereby imposing a public duty on those institutions to pay salary, etc. to teachers at rates not less than those specified; therefore, for enforcement of those public and statutory obligations, writ petition would be maintainable.

7. On the issue of operability of the Rules on ground of not laying the Rules before the legislature, the High Court opined that there are three different kinds of statutory

provisions regarding laying of the Rules before the Legislature:

> (i) laying without further procedure;
> (ii) laying subject to negative resolution; and
> (iii) laying subject to affirmative resolution.

8. Following the decision of this Court in *M/s Atlas Cycle Industries Ltd. and Others vs. State of Haryana*[4], it was held that since the laying of Rules contemplated under sub-Section (4) of Section 16 of the Act fell in the second category (supra), in the absence of a negative resolution, those Rules become operative from the date of the notification.

9. Based on the aforesaid conclusions, the High Court, without going into the facts of each case, directed as *supra*.

10. We have heard learned counsel for the parties and have perused the materials on record.

SUBMISSIONS ON BEHALF OF APPELLANT(S)/ EDUCATIONAL INSTITUTIONS

11. Assailing the decision of the High Court,

4 (1979) 2 SCC 196

learned counsel for the appellant(s) submitted that it is the admitted position that these private institutions neither receive aid nor have pervasive control of the State. Besides they are not instrumentalities of the State, or an authority within the meaning of Article 12 of the Constitution of India. Therefore, writ petition seeking a direction upon the institutions to make payment of salary at a particular rate is not maintainable.

12. In support of the above submission, reliance has been placed on decisions of this Court in *Army Welfare Education Society, New Delhi vs. Sunil Kumar Sharma and Others*[5] and *Satimbla Sharma and Ors. Vs. St. Paul's Senior Secondary School and Ors.*[6] and *St. Mary's Education Society & Another Vs. Rajendra Prasad Bhargava & Others*[7].

13. Based on the aforesaid decisions, it has been submitted that the service conditions of the

5 (2024) 16 SCC 598
6 (2011) 13 SCC 760
7 (2023) 4 SCC 498

writ petitioner(s) are governed by a contract between two private entities and there cannot be enforcement of a private contract of service through public law remedy. Once it is the admitted position that the appellant-institutions are private and unaided, they cannot be subjected to the writ jurisdiction of the High Court for payment of salary at a particular rate. It was submitted that since writ petition itself was not maintainable, the direction of the High Court cannot be sustained.

14. On the consequence of not laying the Rules before the legislature in compliance of the provisions of sub-section (4) of Section 16 of the 1977 Act, it was submitted that the issue stands squarely covered by a two-judge Bench decision of this Court in *Association of Management of Private Colleges Vs. All India Council for Technical Education & Others.*[8] By relying on paragraphs 66 and 67 of the judgment in the said case, it has been submitted that if

8 (2013) 8 SCC 271

the Statute prescribes a particular procedure to do an act, that act must be done in that manner, or not at all. In that context, our attention was invited to sub-section (4) of Section 16 of the 1977 Act, which provides:

> "Every rule made under this Act shall be laid, as soon as may be, after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect, only in such modified form or be of no effect as the case may be; <u>so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule</u>."
>
> (Emphasis supplied)

15. As it is the admitted position that the State Government had not laid the Rules before each House of the State Legislature in the manner contemplated under sub-section (4) of Section 16, it was contended, the Rule would not be

operative and, therefore, it cannot form the basis of the direction of the High Court.

SUBMISSIONS ON BEHALF OF RESPONDENTS

16. *Per contra*, on behalf of the respondents, the findings returned by the High Court on maintainability of the writ petition(s) and operability of the Rules were supported. It was urged that public has an interest in the maintenance of standards of education, and right to education is now recognized as a fundamental right, therefore, if scales of salaries of teachers are regulated and prescribed by a statute, payment of salary lower than the rate prescribed affects the public interest as it would have propensity to reduce the quality of education. Thus, right of teachers to salary at the rate not lower than the statutory prescribed rate, has public element to it, and the recognized educational institutions by imparting education perform public duty, therefore, those institutions are amenable to the writ jurisdiction regardless of

them being private and unaided institution. In support of the above submissions, learned counsel for the respondents cited decisions of this Court in *K. Krishnamacharyulu and Ors. Vs. Sri Venkateswara Hindu College of Engineering and Anr.*[9]; *Satimbla Sharma (supra)*; *Andi Mukta Sadguru Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust Vs. V.R. Rudani*[10]. It was submitted that in *Satimbla Sharma (supra)*, this Court had observed that where a statutory provision casts a duty on a private unaided school to pay the same salaries and allowances to its teachers as are being paid to teachers of government aided schools, then a writ of *mandamus* to the school could be issued to enforce such statutory duty.

17. On the issue of operability of the amended Rules despite not being laid before the legislature, it was submitted on behalf of the respondents that sub-section (4) of Section 16 does not indicate that the Rules would not

9 (1997) 3 SCC 571
10 (1989) 2 SCC 691

operate without affirmation by the legislature, therefore, once the amended Rules were notified, they became operable. Moreover, decision in *Atlas Cycle (supra)*, which is by a three-Judge Bench, squarely applies on the issue.

18. On the applicability of decision of this Court in *Army Welfare Education Society, New Delhi (supra)* and *St. Mary's Education Society (supra)*, it was submitted that those decisions deal with entirely different issue i.e., enforcement of contract of personal service rights and are therefore distinguishable on facts.

19. Based on the above submissions, the respondents prayed that the appeal(s) be dismissed.

20. We have accorded due consideration to the rival contentions and have perused the relevant provisions of the governing statute and the rules including the decisions cited before us.

<u>ISSUES</u>

21. Upon consideration of the rival submissions, in our view, the following issues arise for our

consideration:

> (1). Whether the writ petition(s) seeking a direction upon private unaided educational institution to pay salary to its teachers at a rate prescribed by the Rules under the 1977 Act were maintainable?
>
> (2). Whether the amendment in the 1981 Rules framed and notified under the 1977 Act, revising/ enhancing the scales of pay, were operative even though not laid before the legislature in terms envisaged by sub-section (4) of Section 16 of the 1977 Act?

ANALYSIS

Issue (1)

22. A writ petition against a private unaided school /institution maintained by a society is, ordinarily, not maintainable, particularly if the petition seeks enforcement of a contractual right having no public element at its core[11]. Reason is two-fold. Firstly, a private unaided institution is not a State within the meaning of Article 12 of the Constitution of India; and, secondly, under common law, a service contract cannot be specifically enforced[12].

[11] See: Committee of Management, Delhi Public School & Another Vs. M.K. Gandhi, (2015) 17 SCC 353; Army Welfare Education Society, New Delhi Vs. Sunil Kumar Sharma & Others, (2024) 16 SCC 598; St. Mary's Education Society & Another Vs. Rajendra Prasad Bhargava & Others, (2023) 4 SCC 498.

[12] Executive Committee of Vaish Degree College, Shamli v. Lakshmi Narain, (1976) 2 SCC 58

23. However, where the rights of which enforcement is sought flow from a statute and the provisions of the statute cast a duty on an educational institution, a writ petition would lie even against a private unaided educational institution so long performance of that duty has a public element to it. Reason is simple, Article 226 of the Constitution empowers the High Courts to issue writs to any person or authority and, therefore, those writs are not confined to State, or its instrumentalities, or an 'authority', falling within the four corners of Article 12 of the Constitution. Imparting education by an institution, recognized under a statute, is akin to performing a public duty. Therefore, teaching activity has a direct nexus in performance of that public duty and if rights of the teaching staff flow from a statute, a writ petition would lie for enforcement of those rights. Thus, the form of the body concerned is not very much relevant. What is relevant is the nature of the duty

imposed on the body[13]. However, even though the writ petition can be maintained against any person discharging public duties and/ or public functions, the same should not be entertained if the enforcement of duty sought falls in the realm of private law. Because the scope of mandamus is basically limited to enforcement of public duty[14].

24. In *St. Mary's Education Society (supra)*, this Court clarified the law on the maintainability of writ petition against private educational institutions. It was observed that an application under Article 226 of the Constitution is maintainable against a person or a body discharging public duties or public functions, which may be either statutory or otherwise; where it is otherwise, the body or the person must be shown to owe that duty or obligation to the public involving the public law element. It was further observed that even

[13] Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust & Ors., Vs. V.R. Rudani & Others, (1989) 2 SCC 691, paragraphs 15 & 20.

[14] St. Mary's Education Society (supra), paragraph 66.

if it be assumed that an educational institution is imparting public duty, the act complained of must have a direct nexus with the discharge of public duty. Further, it was observed that even if it be perceived that imparting education by private unaided school is a public duty within the expanded expression of the term, an employee of a non-teaching staff engaged by the school for the purpose of its administration or internal management is only an agency created by it and, therefore, it is immaterial whether A or B is employed by school to discharge the duty. Consequently, it was held, the terms of employment of contract between a school and non-teaching staff cannot and should not be constituted to be an inseparable part of the obligation to impart education. However, where the removal of a non-teaching staff is regulated by some statutory provisions, its violation by the employer in contravention of law may be interfered with by the court but such interference will be on the ground of breach of law and not on the basis of interference in discharge of public duty.

25. In *K. Krishnamacharyulu* (supra), it was observed that when there is an interest created by the Government in an institution to impart education, which is a fundamental right of the citizens, the teachers who impart the education get an element of public interest in the performance of their duties.

26. In *Satimbla Sharma (supra)*, after considering the decision in *K. Krishnamacharyulu,* it was held:

> "25. Where a statutory provision casts a duty on a private unaided school to pay the same salary and allowances to its teachers as are being paid to teachers of government aided school, then a writ of mandamus to the school could be issued to enforce such statutory duty. But in the present case, there was no statutory provision requiring a private unaided school to pay to its teachers the same salary and allowances as were payable to teachers of government schools and therefore a mandamus could not be issued to pay to the teachers of private recognized unaided schools the same salary and allowances as were payable to teachers of government institutions."

27. From the exposition of the law *supra*, what becomes clear is that imparting education by an institution is akin to performance of a public duty if the institution is recognized for that end. Performance of such public duty is inextricably linked to the performance of its teaching staff. Therefore, if rights of teaching staff flow from a Statute or Rules and Regulations framed thereunder, a writ petition would be maintainable for its enforcement even against a private unaided educational institution as it has a rational nexus to the performance of that public duty. The decision of this Court in *St. Mary's Education Society (supra)* clearly draws a distinction between teaching and non-teaching staff *qua* maintainability of writ petition against a private unaided institution. In consequence, we are of the considered view that if there is a statutory mandate to a private unaided educational institution to pay the teaching staff salary at a particular rate, a writ of

mandamus would lie even against an unaided private educational institution to fulfil its statutory obligation.

28. In the present case, the 1981 Rules, as amended in 1986, framed under Section 16 read with sub-section (1) of Section 4 of the 1977 Act, provide for the scales of pay to be paid to teachers employed in private unaided schools. Sub-section (3) of Section 4 of the 1977 Act provides that if the scales of pay and allowances, etc. are less favourable than those provided by the Rules, the Director shall direct the management to bring the same up to the level provided by the said rules. Sub-section (4) of Section 4 provides that on failure to comply with the directions of the Director, the recognition of the concerned school may be withdrawn. In such circumstances, there is a statutory duty cast upon the private unaided institutions to pay salary, etc. at the rates prescribed in the Rules. Thus, it cannot be said that the writ petition(s) were not

maintainable. We, therefore, concur with the view taken by the High Court. Issue (1) is decided accordingly.

ISSUE (2)

29. Insofar as the consequence of non-laying of amendment of 2016 in 1981 Rules is concerned, it would be useful to refer to the decision of this Court rendered by a three-Judge Bench in *Atlas Cycle Industries Ltd. (supra)* in which decision rendered by Constitution Bench in *Jan Mohammad Noor Mohammad Bagban Vs. State of Gujarat*[15] was considered. In paragraphs 21,22,23 and 24 of *Atlas Cycle Industries Ltd (supra)*, the law in respect of consequence of not laying the Rules has been summarized. Relevant portions of those paragraphs are extracted below:

> "21. …As evident from the observations made at pages 305 to 307 of the 7th Edition of Craies on Statute Law and noticed with approval in Hukam Chand etc. v. Union of India & Ors., there are three kinds of laying which are generally used by the Legislature. These three kinds of laying are

15 AIR 1966 SC 385: 1965 SCC OnLine SC 36

described and dealt with in Craies on Statute Law (supra) as under:

"(i) Laying without further procedure,

(ii) Laying subject to negative resolution,

(iii) Laying subject to affirmative resolution.

(i) Simple laying.- The most obvious example is in Section 10(2) of the 1946 Act. In earlier days, before the idea of laying in draft had been introduced, there was a provision for laying rules etc., for a period during which time they were not in operation and could be thrown out without ever having come into operation (compare Merchant Shipping Act, 1894, s. 417; Inebriates Act 1898, s. 21) but this is not used now.

(ii) Negative resolution.- Instruments so laid have immediate operative effect but are subject to annulment within forty days without prejudice to a new instrument being made. The phraseology generally used is "subject to annulment in pursuance of a resolution of either House of Parliament." This is by far the commonest form of laying. It acts mostly as a deterrent and sometimes forces a Minister (in Sir Cecil Carr's phrase) to "buy off opposition" by proposing some modification.

(iii) Affirmative resolution.- The phraseology here is normally "no order shall be made unless a draft has been laid before Parliament and has been approved by a resolution of each House of Parliament. Normally, no time limit is fixed for obtaining approval none is necessary because the Government will naturally take the earliest opportunity of bringing it up for approval - but section 16(3) of the

Housing (Financial and Miscellaneous Provisions) Act, 1946 did impose a limit of forty days. An old form (not much used nowadays) provided for an order to be made but not to become operative until a resolution of both Houses of Parliament had been obtained. This form was used in section 10(4) of the Road Traffic Act, 1930 (cf. Road Traffic Act, 1960, s.19 (3) . ..The affirmative resolution procedure necessitates a debate in every case. This means that one object of delegation of legislation (viz. saving the time of Parliament) is to some extent defeated. The procedure therefore is sparingly used and is more or less reserved to cases where the order almost amounts to an Act, by effecting changes which approximate to true legislation (e.g. where the order is the meat of the matter, the enabling Act merely outlining the general purpose) or where the order replaces local Acts or provisional orders and, most important of all, where the spending, etc. of public money is affected. ..

22. Now at p. 317 of the aforesaid Edition of Craies on Statute Law, the questions whether the direction to lay the rules before Parliament is mandatory or merely directory and whether laying is a condition precedent to their operation or may be neglected without prejudice to the effect of the rules are answered by saying that "each case must depend on its own circumstances or the wording of the statute under which the rules are made." In the instant case, it would be noticed that sub-section(6) of Section 3 of the Act merely provides that every order made under Section 3 by the Central Government or by any officer or

authority of the Central Government shall be laid before both Houses of Parliament, as soon as may be, after it is made. It does not provide that it shall be subject to the negative or the affirmative resolution by either House of Parliament. It also does not provide that it shall be open to the Parliament to approve or disapprove the order made under Section 3 of the Act. It does not even say that it shall be subject to any modification which either House of Parliament may in its wisdom think it necessary to provide. It does not even specify the period for which the order is to be laid before both Houses of Parliament nor does it provide any penalty for non-observance of or non-compliance with the direction as to the laying of the order before both Houses of Parliament. It would also be noticed that the requirement as to the laying of the order before both Houses of Parliament is not a condition precedent but subsequent to the making of the order. In other words, there is no prohibition to the making of the orders without the approval of both Houses of Parliament. In these circumstances, we are clearly of the view that the requirement as to laying contained in sub-section (6) of Section 3 of the Act falls within the first category i.e. "simple laying" and is directory not mandatory. …..

23. In Starey v. Graham(2) where it was contended that the Register of Patent Agents Rules, 1889 which had been repealed by Rules of 1890 could not be re-enacted by mere reference without complying with the provisions of section 101, sub-s. 4 of 46 and 47 Vict. c. 57 according to which, a copy of the Rules of 1889 should also have been laid before both Houses of

Parliament in order to make them valid, Channell, J. said :

> "I somewhat doubt whether the provisions of section 101 are more than directory and whether it is necessary in any particular case where reliance is placed on such rules to prove that in fact its provisions had been complied with."

24. In Jan Mohammad Noor Mohammad Bagban v. The State of Gujarat & Anr. where it was urged by the petitioner that the rules framed by the Provincial Government in 1941 in exercise of the powers conferred on it under section 26(1) of the Bombay Agricultural Produce Markets Act (22 of 1939) had no legal validity as they were not laid before each of the Houses of the Provincial Legislature at the session thereof next following as provided by sub-section (5) of Section 26 of the Act, this Court rejected the contention and upheld the validity of the said rules. The following observations made in that case by Shah, J. (as he then was) on behalf of the Constitution Bench are apposite:

> "The rules under Act 22 of 1939 were framed by the Provincial Government of Bombay in 1941. At that time there was no Legislature in session, the Legislature having been suspended during the emergency arising out of World War II. The session of the Bombay Legislative Assembly was convened for the first time after 1941 on May 20, 1946 and that session was prorogued on May 24, 1946. The second session of the Bombay Legislative Assembly was convened on July 15, 1946 and that of the Bombay Legislative Council on September 3, 1946 and the rules were placed on the Assembly Table in the second

session before the Legislative Assembly on September 1, 1946 and before the Legislative Council on September 13, 1946. Section 26(5) of Bombay Act 22 of 1939 does not prescribe that the rules acquired validity only from the date on which they were placed before the Houses of Legislature. The rules are valid from the date on which they are made under s. 26(1). It is true that the Legislature has prescribed that the rules shall be placed before the Houses of Legislature, but failure to place the rules before Houses of Legislature does not affect the validity of the rules, merely because they have not been placed before the Houses of the Legislature. Granting that the provisions of sub-s. (5) of S. 26 by reason of the failure to place the rules before the Houses of Legislature were violated, we are of the view that Sub-s. (5) of S. 26 having regard to the purposes for which it is made, and in the context in which it occurs, cannot be regarded as mandatory. (Emphasis supplied). The rules have been in operation since the year 1941 and by virtue of Section 64 of the Gujarat Act 20 of 1964 they continue to remain in operation."

(Emphasis supplied)

30. In *K.T. Plantation Private Limited & Another Vs. State of Karnataka*[16], a Constitution Bench of this Court had the occasion to consider a similar provision of Rule laying requirement as is contained in sub-section (4) of Section 16

[16] (2011) 9 SCC 1

of the 1977 Act. The relevant Section under consideration in K.T. Plantation reads as follows:

> "**Section 140. Rules and notifications to be laid before the State Legislature.-** Every rule made under this Act and every notification issued under Sections 109, 110 and 139 shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of 30 days which may be comprised in one session or in two successive sessions, and, if, before the expiry of the session in which it is so laid or the session immediately following both houses agree in making any modification in the rule or notification or both houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; ***so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification***."
>
> (Emphasis supplied)

31. After considering earlier decisions of this Court in *Jan Mohammad Noor (supra); Atlas Cycle (supra); and Quarry Owners' Association v.*

State of Bihar[17], the Constitution Bench of this Court in K.T. Plantation held:

> "80. Section 140 does not require the State Legislature to give its approval for bringing into effect the notification, but a positive act by the legislature has been contemplated in section 140 to make the notification effective, that does not mean that failure to lay the notification has affected the legal validity, its effect or action taken precedent to that notification. We, therefore, hold that non-laying of the notification dated 8-3-1994 before the State Legislature has not affected its validity or the action taken precedent to that notification."

32. While answering the reference, in *K.T. Plantation (supra)*, the Constitution Bench, in its concluding paragraph, held:

> "221. We, therefore, answer the reference as follows:
> (a) …
> (b) Non-laying of the notification dated 8-3-1994 under Section 140 of the Land Reforms Act before the State Legislature is a curable defect and it will not affect the validity of the notification or action taken thereunder."

33. What is clear from the decisions above is that where the concerned provision/ Section of the Act does not require the State Legislature to

[17] (2000) 8 SCC 655

give its approval for bringing into effect the notification/ Rule framed thereunder, the notification / Rule becomes effective from the date of its notification unless otherwise provided in the notification/ Rule. The decision of coordinate Bench of this Court in *Association of Management of Private Colleges (supra)*, relied by the learned counsel for the appellants, on this issue, in our view, fails to accord consideration to binding decisions of larger Bench in *Atlas Cycle (supra)*, *Jan Mohammad Noor (supra)* and *K.T. Plantation (supra)*, therefore, to that extent, it cannot be considered a binding precedent.

34. In the present case also, we notice that sub-section (4) of Section 16 of the 1977 Act is similarly worded as the one in *K.T. Plantation (supra)*. The provision does not require the approval of the State Legislature to bring the Rule/ notification into effect. Though it provides that where both Houses agree in making any modification in the Rule or both Houses

agree that the Rule should not be made, the Rules shall, from the date of publication of such notification, have effect, only in such modified form, or be of no effect, as the case may be. This would imply that if the Rule/ notification is not laid, it would operate from the date of notification till it is modified or annulled. But if the Rule is laid and modified, or is annulled, it either operates in its modified form or ceases to operate. Here, it is not the case of the appellant(s) that the amended Rules were either modified or annulled, therefore, the amended Rules would apply. Issue (2) is answered accordingly.

35. In view of our conclusions on Issues (1) and (2), we do not find any error in the view taken by the High Court.

36. At this stage, learned counsel for the appellant(s) have urged that the High Court has not gone into the claim of individual teachers on facts, therefore, as and when claim for payment is made, the appellant(s) must have

liberty to contest their entitlement on facts.

37. In this regard, we may observe that this was one of the contentions raised on behalf of the appellant(s) in the review application before the High Court as is clear from the order dated 19.06.2017. It was argued there that on the basis of the main judgment and order dated 20.03.2017, the teachers, who are not in service, are claiming benefits of the said judgment.

38. In response to that submission, the High Court clarified the issue by observing as follows:

> "4. We perused the judgment. It does not cover the teachers who are not in service because of either termination or otherwise, and as such, they cannot get benefit of the said judgment. The point raised by the present applicants, therefore, cannot be considered as a valid ground for review of the judgment."

39. Having regard to the fact that the High Court itself has clarified the scope of its judgment and order, in our view, as and when any such factual issue arises, parties would be at liberty to take appropriate plea in an

appropriate proceeding before the appropriate court/ forum.

40. For all the reasons above, we do not find any merit in these appeals. The appeal(s) are, accordingly, dismissed.

41. Pending application(s), if any, shall stand disposed of. There is no order as to costs.

....J
[MANOJ MISRA]

....J
[VIJAY BISHNOI]

New Delhi;
August 05,2026

ITEM NO.20 COURT NO.11 SECTION III

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(s). 10063/2026

SIYARAM EDUCATION SOCIETY Appellant(s)

VERSUS

CHHAYA D/O BALIRAM DHAVE & ORS. Respondent(s)

[TO BE TAKEN UP AT 2:00 PM].........[PART HEARD BY: HON'BLE MR. JUSTICE MANOJ MISRA AND HON'BLE MR. JUSTICE VIJAY BISHNOI]
IA No. 61288/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 108554/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH
C.A. No. 10064-10065/2026 (III)
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 113648/2017
FOR STAY APPLICATION ON IA 120818/2017
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 230164/2024
FOR EXEMPTION FROM FILING O.T. ON IA 230165/2024
IA No. 113648/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 230165/2024 - EXEMPTION FROM FILING O.T.
IA No. 230164/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 120818/2017 - STAY APPLICATION
C.A. No. 10066-10067/2026 (III)
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 113737/2017
FOR STAY APPLICATION ON IA 120815/2017
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 230051/2024
FOR EXEMPTION FROM FILING O.T. ON IA 231047/2024
IA No. 113737/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 231047/2024 - EXEMPTION FROM FILING O.T.
IA No. 230051/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 120815/2017 - STAY APPLICATION

Date : 05-08-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Appellant(s) :
Mr. Sudhanshu S. Choudhari, Sr. Adv.
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For Respondent(s) :
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Mr. Rahul Joshi, AOR

Mr. Aniruddha Deshmukh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

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

(CHETAN ARORA) (SAPNA BANSAL)
ASTT. REGISTRAR-cum-PS COURT MASTER (NSH)