

C/M Shri Ram Das Singh Intermediate ... vs State Of U.P. And 3 Others on 1 April, 2025

Author: Saral Srivastava

Bench: Saral Srivastava

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44606

Court No. - 32

Case :- WRIT - C No. - 13927 of 2021

Petitioner :- C/M Shri Ram Das Singh Intermediate College

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Dinesh Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.
2. The petitioner by means of the present writ petition has assailed the order dated 29.01.2022 passed by Special Secretary, State of U.P., by which he has rejected the claim of the petitioner's Institution for taking it on grant-in-aid.
3. The facts, in brief, are that there is an Institution in the name of 'C/M Shri Ram Das Singh Intermediate College, Keshavpur, Karchhana, Allahabad (hereinafter referred to as the 'Institution')'. The Institution is a recognized Institution in terms of the provisions contained in U.P. Intermediate Education Act, 1921. The Institution impart education upto Claass-1 to 12. The Institution is an aided Institution from Class-6 to 10.The teachers and employees of Class-6 to 10 are being paid salaries from the State fund in terms of the provisions contained in the provisions of of U.P. High

School and Intermediate Colleges (Payment of Salaries to Teachers and Other Staff) Act, 1971 (U.P. Act No.24 of 1971). As per the case of the petitioner, the Institution was taken under grant-in-aid up to High School from 19.12.1985 excluding Primary Section.

4. It appears that the petitioner has claimed that the petitioner is entitled to be taken on grant-in-aid in view of the Government Order dated 27.10.2016. However, claim of the petitioner was rejected by the authorities by order dated 06.10.2017 on various grounds. The said order came to be challenged by the petitioner in Writ-C No.29367 of 2019, in which this Court by order dated 01.10.2019 quashed the order dated 06.10.2017 and remanded the matter to the Secondary Education, Lucknow to decide the claim of the petitioner afresh in the light of the judgement of this Court in the case of Jai Ram Singh and others Vs. State of U.P. and others passed in Writ-A No.38992 of 2017.

5. The judgement of this Court dated 01.10.2019 passed in Writ-C No.29367 of 2019 reads as under:-

"Heard Sri Dinesh Kumar Pandey, learned counsel for the petitioner and learned Standing Counsel for the respondent-State.

Learned Standing Counsel contends that the case of the petitioner is covered by the judgement of this Court rendered in the case of Jai Ram Singh and others Vs. State of U.P. and others registered as Writ-A No.38992 of 2017.

In such view of the matter, the case of the petitioner is liable to be considered afresh in light of the directions issued by this Court in Jai Ram Singh (supra).

In light of submissions made by the learned counsel for the parties, no useful purpose will be served by keeping the petition pending.

The order dated 06.10.2017 is quashed.

The writ petition is disposed of finally with consent of parties at the admission stage.

The matter is remitted to the respondent No.1-Secondary Education, Lucknow to execute the following direction:

1. The respondent No.1-Secondary Education, Lucknow is commanded to decide the case of the petitioner afresh in light of the directions issued by this Court in Jai Ram Singh (supra) within a period of three months from the date of receipt of a certified copy of this order."

6. Thereafter, the Special Secretary in compliance of the order dated 01.10.2019 passed in Writ-C No.29367 of 2019 rejected the claim of the petitioner on the ground that it would financially burden the State Government.

7. Challenging the aforesaid order, learned counsel for the petitioner has contended that it is evident from the order dated 01.10.2019 passed by this Court in Writ-C No.29367 of 2019 that this Court has recorded the statement of learned Standing Counsel in paragraph-2 of the judgement that the case of the petitioner is covered by the judgement of this Court in the case of Jai Ram Singh (Supra). He submits that in view of the submission of learned Standing Counsel, this Court quashed the earlier order dated 06.10.2017 and remanded the matter to the authorities to consider the claim of the petitioner afresh in the light of the judgement of this Court in the case of Jai Ram Singh (Supra). Accordingly, it is contended that in such view of the fact it was incumbent upon the authorities to decide the claim of the petitioner in the light of the judgement of this Court in the case of Jai Ram Singh (Supra), whereas the authority while rejecting the claim of the petitioner did not consider the judgement of this Court in the case of Jai Ram Singh (Supra) rather the authorities on extraneous grounds that if the petitioner Institution is taken grant-in-aid, that would burden the State Government in rejecting the claim of the petitioner. It is contended that the impugned order is in the teeth of the judgment of this Court in Writ-C No.29367 of 2019.

8. It is contended that the case of the petitioner is squarely covered by the judgment of this Court in the case of Jai Ram Singh (supra) inasmuch as the petitioners' Institution is attached with the High School and Intermediate Section of the institution, and therefore, the petitioner is entitled to the benefit of grant-in-aid in view of the Government Order dated 27.10.2016. Accordingly, it is submitted that the impugned order deserves to be set aside.

9. Per-contra, learned Standing Counsel would contend that it is specific case of the respondents in the counter affidavit that if the Institution of the petitioner is taken in grant-in-aid that would financially burden the State Government, and at this stage, it is not feasible for the State Government due to financial reasons to take the petitioner Institution on grant- in-aid.

10. Be that as it may, this Court while disposing off the earlier Writ-C No.29367 of 2019 has quashed the order dated 06.10.2017, whereby the claim of the petitioner was rejected for taking the Institution in grant-in-aid. This Court further recorded that according to the learned Standing Counsel the case of the petitioner is covered by the judgement of this Court in the case of Jai Ram Singh (Supra). On the strength of the said submission of learned Standing Counsel, this Court directed the authorities to consider the claim of the petitioner afresh in the light of directions issued by this Court in Jai Ram Singh (Supra) within a period of three months from the date of production of a certified copy of the said order.

11. The impugned order reveals that the authorities did not consider the claim of the petitioner in the light of the judgment of this Court in the case of Jai Ram Singh (Supra). It is not disputed that the petitioner's Institution is attached with the High School and Intermediate Section of the Institution and the Institution is aided institution from Class-6 to 10 and the teachers and employees are being paid salaries from Class-6 to 10 from the State fund in terms of the provisions U.P. High School and Intermediate Colleges (Payment of Salaries to Teachers and Other Staff) Act, 1971.

12. This Court in the case of Jai Ram Singh (Supra) has held as follows:

"Writ Petition in Group A insofar as they relate to primary sections attached to recognised and aided high schools or intermediate colleges covered by the provisions of the 1971 Act cannot be denied the protection of that statute. The petitions in this group falling under the aforesaid class shall stand allowed. The State is consequently directed to bring teachers falling in this class within the ambit of the 1971 Act subject to the requisite exercise being undertaken to assess that they satisfy the test of composite integrity."

13. Since the claim of the petitioner is covered by the judgement of this Court in the case of Jai Ram Singh (Supra) as is evident from the extracted portion of the judgment of Jai Ram Singh (Supra), therefore, this Court is of the view that the impugned order cannot be sustained and is hereby is set aside.

14. Normally, this Court would have remanded the matter to the authorities concerned, but since the learned Standing Counsel has contended in earlier writ petition i.e. Writ-C No.29367 of 2019 that the claim of the petitioner is covered by the judgment of this Court in case of Jai Ram Singh (Supra) and this Court has also held above that the case of the petitioner is covered by the judgment of this Court in the case of Jai Ram Singh (Supra), therefore, this Court does not remand the matter to the authorities concerned to decide the claim of the petitioner afresh.

15. In such view of the fact, the writ petition is allowed. The State Government i.e respondent no.1- Principal Secretary, Secondary Education, Lucknow is directed to take the petitioner's Institution on grant-in-aid forthwith.

Order Date :- 1.4.2025 NS