

# The State Of Rajasthan vs Manju Saxena on 9 September, 2021

**Bench: Uday Umesh Lalit, S. Ravindra Bhat, Bela M. Trivedi**

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ITEM NO.25

Court 2 (Video Conferencing)

SECTION XV

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). 13791/2019

(Arising out of impugned final judgment and order dated 09-04-2019  
in DBCCP No. 2536/2018 passed by the High Court Of Judicature For  
Rajasthan At Jaipur)

STATE OF RAJASTHAN

Petitioner(s)

VERSUS

MANJU SAXENA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.89551/2019-EXEMPTION FROM FILING O.T. & I.A.No.143407 of 2019-APPLICATION FOR INTERVENTION) Date : 09-09-2021 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT HON'BLE MR. JUSTICE S. RAVINDRA BHAT HON'BLE MS. JUSTICE BELA M. TRIVEDI For Petitioner(s) Mr. Devdutt Kamat, Sr. Adv.

Mr. Milind Kumar, AOR For Respondent(s) Mr. Vivek Dangi, Advocate Mr. V. Shyamohan, Advocate Mr. Subhash Bhaskran Nair, Advocate Mr. Surya Prakash, Advocate M/s. Kmp Law Aor, AOR Ms.Meenakshi Arora, Sr Adv, Mr. Anuroop Singhi, Adv, Mr. Ankit Anandraj Shah, Adv, Mr. Kumar Aditya, Adv Mr. Ankit Anandraj Shah, AOR Ms. Pratibha Jain, AOR UPON hearing the counsel the Court made the following Reason: O R D E R Mr Devdutt Kamat, learned Sr. Advocate for the State invited our attention to the exercise undertaken pursuant to directions issued by the High Court vide its order dated 26.04.2018. According to the petitioner-State the institution in question, namely, Seth Motilal P.G. College had received grant far in excess of the entitlement [Paragraphs 14 and 15 of the order dealt with this issue] and amount in excess was Rs. 3,87,17,995/-.

Mr. Kamat then invited our attention to Section 31(2) of Rajasthan Non-Government Educational Institutions Act, 1989 ("The Act"; for short), in terms of which the Government would be entitled to deduct from the next or subsequent grant-in-aid

payable to the institution. In his submission, as no subsequent grant-in-aid was payable to the institution, the reliance on part of the teachers upon Section 31(2) of the Act was misplaced.

The intent behind Section 31(2) of the Act is that the employees must be paid their dues and if the aided institution fails to pay the salary to the employees, the Government is obliged to make over the payment to the Teachers and then deduct the same from the grant-in-aid payable to such institution. The responsibility is thus cast on the Government.

We, therefore, reject the submissions advanced on behalf of the State Government and direct that:

(a) The admitted amount to which the respondent No.1 herein is entitled to, shall be made over to her by the State Government within eight weeks.

(b) The State shall, in accordance with law, be entitled to recover this money from the institution if such, institution had drawn grant in-aid in excess of its entitlement.

(c) If any employees of the State had not discharged their duties in checking the affairs of the institution, the State shall also be entitled to proceed against such employees, in a manner known to law.

We, therefore, dismiss this Special Leave Petition. In view of the above, no orders are called for in the intervention application.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER

(VIRENDER SINGH)  
BRANCH OFFICER