
(2009) 02 AHC CK 0119

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 1997(SB) of 2000

Ali Mohd.Khan

APPELLANT

Vs

Committee of Management And Others

RESPONDENT

Date of Decision : 12-02-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 02 AHC CK 0119

Hon'ble Judges : Devi Prasad Singh, J and R.D.Khare, J

Final Decision : Disposed Of

Judgement

R.D. Khare, J.—By means of present writ petition under Article 226 of the Constitution of India the petitioner has prayed that the respondents may be directed to pay salary to him of the post of Principal as prescribed under the State Universities Act and Statutes framed thereunder.

2. The brief facts of the case are that on 7.1.1972 the petitioner was appointed as Lecturer of Sociology in Shibli National Post Graduate College, Azamgarh by the Committee of Management of the college. The aforesaid college is a minority educational institution affiliated to Purvanchal University, Jaunpur and was aided up to degree level by the State Government. The petitioner continued to function till 17.11.1977 thereafter he resigned. Immediately thereafter on 17.11.1977 he was appointed as Principal in Mumtaz Degree College, Lucknow, which is also a minority educational institution aided by the State Government up to degree level. The appointment of the petitioner as Principal was made by the Committee of Management of the College and the said College is affiliated with the Lucknow University. The petitioner resigned from the post of Principal of Mumtaz Degree College on 5.2.1996 and on 6.2.1996 he joined as Principal in Amiruddaula Islamia Degree College, Lucknow, hereinafter referred as "the College, which is also a minority educational institution and is affiliated to the Lucknow University. The college is governed under the State Universities Act, 1973 and Statutes framed thereunder. The petitioner's appointment was made under the terms and

conditions regulated under the Act and Statutes of the Lucknow University. The petitioner continued to function as Principal of the college till his date of superannuation, i.e., 30.6.2008.

Heard learned counsel for the parties.

3. It is contended by the learned counsel appearing for the respondent that the College is not a State within the meaning of Article 12 of the Constitution of India, therefore, not amenable to writ jurisdiction under Article 226 of the Constitution of India.

4. It is contended by the learned counsel for the petitioner that the petitioner was being paid consolidated amount and not the salary as per the terms and conditions of State Universities Act and statutes of Lucknow University. He made written protest regarding the same on 19.5.1998 but nothing was done. A reminder was also sent by him on 22.9.1998.

5. Learned counsel for the petitioner has further submitted that the Committee of Management of the College is under constitutional and statutory obligation to function as per State Universities Act and statutes framed thereunder and also the statutes of Lucknow University. He has further submitted that the petitioner is discharging public duty of imparting higher education to the students, therefore, the Institution is bound to pay full salary to him as per law. It is further submitted that as the Institution is to function as per the State Universities Act and statutes framed thereunder, therefore, it is a State within the meaning of Article 12 of the Constitution of India and is amenable to writ jurisdiction of this Court. He has further submitted that to test as to whether the Institution is a State under Article 12 of the Constitution of India it is to be seen whether State has deep and pervasive control over day to day functioning of the Institution/College.

6. Learned counsel for the petitioner has drawn the attention of the Court to the appointment letter of the petitioner dated 1.2.1996, filed as Annexure 1, and has submitted that as per terms of the appointment letter the last basic pay of the petitioner as Principal of Mumtaz Degree College was protected in addition to three extra increments. It is submitted that the appointment letter also contains a clear recital of the effect that the terms of the appointment of the petitioner would abide by the terms and conditions of service as may be prescribed from time to time by the Act. In this regard counsel for the petitioner has drawn the attention of the Court to Clause 13.01 of Chapter XIII, which deals with associated colleges and it is submitted that Amiruddaula Islamia Degree College, Lucknow was an associated college of the Lucknow University and therefore, is governed by the State Universities Act and the statutes framed thereunder. It is also contended that payment of salary made to the petitioner was not in consonance with the terms and conditions contained in the appointment letter. Reference was also drawn to clause 13.19 of the Statutes which specifies that every associated college shall have its staff teachers having such qualifications,

shall be given such grades of pay and be governed by such other conditions of service as may be laid down from time to time in the Ordinances or in the orders of State Government on its behalf.

7. Learned counsel for the petitioner has also referred Clause 16.05 of the statutes which states that original contract of appointment referred to in Section 32 shall be lodged with the Registrar for registration within three months of the date of appointment. It is contended that no such contract was ever got entered by the petitioner with the respondent Universities. However, petitioner continued to function as Principal of the college till his age of superannuation, therefore, nonexecution of contract would not affect the case of the petitioner. Learned counsel for the petitioner has also referred clause 2(8) of appendix D, which is as follows:

"(8) In all other respects, the mutual right, and obligations of the parties hereto shall be governed by the Statutes of the University as amended from time to time and by the provisions of the Uttar Pradesh State Universities Act, 1973."

8. Learned counsel for the petitioner has also referred to clause 13.32 (2) of the Statutes and has argued that in case the respondent universities and associate college are not paying salary of staff and teachers for which they are entitled under the Statutes or the Ordinances, the college will take such action for withdrawal of the recognition within the meaning of the Statutes. For the sake of ready convenience clause 13.32(2) is being quoted below:

"13.32(1).....

(2) If the salaries of the staff are not paid regularly, or if the teachers are not paid their salaries to which they were entitled under the Statutes or the Ordinance, the college take, within a specified period, such action as may appear to concerned would be liable to withdrawal of recognition within the meaning of this Statute."

9. Learned counsel for the petitioner has contended that respondent college is performing duty of imparting higher education and the Management of the college is to be governed as per the provisions of State Universities Act and statutes framed thereunder.

10. It is further argued by the learned counsel for the petitioner that as the respondent college is performing public and statutory duty of imparting higher education, it is the duty of authorities of the Universities to see that the salary is being paid to teachers and staff, in accordance with law. In the event of nonpayment of salary to the teachers and staff the concerned authorities have got ample power to take appropriate action in accordance to the statutory provisions to ensure the payment of full salary to the teachers and staff.

11. It is further argued that Management of associate college discharges public function and the prerogative writs are maintainable for enforcement of any of the fundamental rights conferred by Part III or for any other purpose. It is also

submitted that power conferred by Article 226 of the Constitution may be exercised by this Court to issue a writ, order or direction to any government, authority or persons. Even the Apex Court has not ruled that against the decision taken by the Management the writ petition is not maintainable for enforcement of fundamental right or in the interest of public. In the said regard reference was placed in the case of Dwarika Nath, in which Apex Court has held that High Court has ample power to issue prerogative writ wherever injustice is caused and authority who is required to act in accordance to Act and statute in case commits wrong, order passed by such authority may be interfered under writ jurisdiction.

12. Hon"ble Supreme Court in a leading case reported in (1981) 1 SCC 722, *Ajay Hasia v. Khalid Mujib Sehravardi*, held that not only such organization should be financed by State but also the State should have deep and pervasive control over day to day functioning of the body. The financial aid granted by government to an establishment cannot be sole criteria to decide as to whether an establishment is a State within the ambit of Article 12 of the Constitution of India or not.

13. Relevant portion from the judgment of *Ajai Hasia* (supra) (SCC 737 para 9) is reproduced as under:

"1. One thing is clear, that if the entire share capital of the corporation is held by Government, it would go a long way towards indicating that the corporation is an instrumentality or agency of Government.

2. Where the financial assistance of the State is so much as to meet almost entire expenditure of the corporation, it would afford some indication of the corporation being impregnated with governmental character.

3. It may also be a relevant factor.....whether the corporation enjoys monopoly status which is Stateconferred or Stateprotected.

4. Existence of deep and pervasive State control may afford an indication that the corporation is a State agency or instrumentality.

5. If the functions of the corporation are of public importance and closely related to governmental functions, it would be a relevant factor in classifying the corporations an instrumentality or agency of government.

6."Specifically, if a department of Government is transferred to a corporation, it would be a strong factor supportive of this inference" of the corporation being an instrumentality or agency of government."

14. One other judgment reported in (2002) 5 SCC 111, *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology and others*, by majority opinion the Constitution Bench of Apex Court had affirmed the test formulated in *Ajai Hasia*'s case (supra) in the following words:

"The picture that ultimately emerges is that the tests formulated in *Ajay Hasia* are not a rigid set of principles so that if a body falls within any one of them it

must, ex hypothesis, be considered to be a State within the meaning of Article 12. The question in each case would be whether in the light of the cumulative facts as established, the body is financially, functionally and administratively dominated by or under the control of the Government. Such control must be particular to the body in question and must be pervasive. If this is found then the body is a State within Article 12. On the other hand, when the control is merely regulatory whether under statute or otherwise, it would not serve to make the body a State."

15. In the case of *Federal Bank Ltd. v. Sagar Thomas and others*, (2003) 10 SCC 733, Hon'ble Supreme Court held that power under Article 226 of the Constitution of India should not be exercised against the private bodies. However, in the event of violation of certain statutory provisions in certain condition, mandamus may be issued for compliance.

16. For convenience relevant portion from the judgment of *Federal Bank Ltd.* (supra) is reproduced as under:

"Such private companies would normally not be amenable to the writ jurisdiction under Article 226 of the Constitution. But in certain circumstances a writ may issue to such private bodies or persons as there may be statutes which need to be complied with by all concerned including the private companies. For example, there are certain legislations like the Industrial Disputes Act, the Minimum Wages Act, the Factories Act or for maintaining proper environment, say the Air (Prevention and Control of Pollution) Act, 1981 or the Water (Prevention and Control of Pollution) Act, 1974 etc. or statutes of the like nature which fasten certain duties and responsibilities statutorily upon such private bodies which they are bound to comply with. If they violate such statutory provision a writ would certainly be issued for compliance with those provisions. For instance, if a private employer dispenses with the service of its employee in violation of the provisions contained under the Industrial Disputes Act, in innumerable cases the High Court interfered and has issued the writ to the private bodies and the companies in that regard. But the difficulty in issuing a writ may arise where there may not be any noncompliance with or violation of any statutory provisions by the private body. In that event a writ may not be issued at all. Other remedies, as may be available, may have to be resorted to."

17. While deciding the scope of Article 12 of the Constitution of India and interpreting word "other authorities" enshrined in Article 12 of the Constitution of India in a case reported in (2005) 1 SCC 149, *Virendra Kumar Srivastava v. U.P. Rajya Karmachari Kalyan Nigam and another*, Hon'ble Supreme Court had followed the test laid down by majority opinion of Constitution Bench in the case of *Pradeep Kumar Biswas* (supra) and their Lordship had reiterated that while holding a body as "State" or instrumentality or agency of State, it must be seen that the control of the State is not only regulatory but it should be deep and pervasive.

18. The test laid down in *Ajay Hasia* (supra) has been reiterated by Apex Court in recent Constitution Bench judgment reported in 2005 (4) SCC 649, *Zee Telefilms Ltd. and another v. Union of India and others*. While interpreting Article 12 of the Constitution of India, Hon"ble Supreme Court held in *Zee Telefilms Ltd. (supra)* that the intention of the constitutional framer while incorporating Article 12 was to treat such authority as instrumentality of State which has been created by law and has got certain power to make laws, frame rules and regulations and must be under deep and pervasive control of the State Government.

19. For convenience relevant portion from the judgment of *Zee Telefilms (supra)* is reproduced as under:

"10. From the above, it is seen that the intention of the constitution framers in incorporating this article was to treat such authority which has been created by law and which has got certain powers to make laws to make rules and regulations to be included in the term "other authorities" as found presently in Article 12."

20. The dictum of *Pradeep Kumar Biswas (supra)* and *Zee Telefilms (supra)* has been reiterated by Hon"ble Supreme Court in a recent judgment reported in 2005 (5) SCC 632, *Zoroastrian Cooperative Housing Society Ltd. and another v. District Registrar, Cooperative Societies (Urban) and others*. It has been held by Apex Court that unless test indicated in *Ajai Hasia's* case (supra) is complied with a cooperative society may not be treated as State. The fundamental right guaranteed under Part III of the Constitution of India are normally enforced against the State action or action by other authorities who may come within the purview of Article 12 of the Constitution of India. Power under Article 226 of the Constitution of India may not be exercised against the private bodies.

21. While defending the present writ petition on the ground of maintainability, petitioner's counsel has relied upon Section 3(42) of the General Clauses Act, 1897 and proceeded to submit that word "person" includes a company, association or body of individual whether incorporated or not. Learned counsel for the petitioner has relied upon the judgment reported in 1984 (2) SCC 369, *Anoop Jaiswal v. Government of India and others*; 2000(2) SCC 239, *V.P. Ahuja v. State of Punjab and others*; 1999 (3) SCC 60, *Deepti Prakash Banerji v. Satyendra Nath Bose, National Centre for Basic Sciences, Calcutta*; 1984 (3) SCC 384, *Indra Pal Gupta v. Managing Committee, Model Inter College, Thora*; AIR 1966 SC 81, *Dwarka Nath v. Income Tax Officer*; (1975) 1 SCC 421, *Sukhdeo Singh v. Bhagat Ram Sardar Singh Raghuvanshi*; (1976) 2 SCC 82, *Rohtash Industries Limited v. Rohtash Industries Staff Union*; AIR 1989 SC 1607, *Anadi Mukta Sadguru Shri Mukta Ji Vandana Ji Swamy Swarn Jayanti Mahotsava Smarak Trust and others v. B.R. Rupani and others*; (1993) 1 SCC 645, *Unni Krishnan J. Pand others v. State of Andhra Pradesh and others*; (1997) 3 SCC 571, *K. Krishnamacharyulu and others v. Sri Venkateshwara Hindu College of Engineering and another*; (1999)1 SCC 741, *U. P. State Cooperative Land Development Bank Ltd. v. Chandra Bhan Dubey and others*; (2005) 3 UPLBEC

2549 (FB), Radhey Shyam Rai v. State of U.P. and others; (2005) 4 SCC 649, Zee Telefilms Ltd. and another v. Union of India and others; AIR 1977 (All.) 539, Aley Ahmad Abidi v. District Inspector of Schools Allahabad; 1981 ALJ 1132, Ravi Dutta Sharma v. Modern Educational Intermediate College, Lucknow and others; 1991 LCD 103, S.C. Pandey v. District Basic Education Officer; 1968 ALJ 1127 (DB), Municipal Board, Bareilly v. B.V. Mehrotra; 1975 ALR 323, Gochar Krishak Inter College v. Deputy Director of Education and others; AIR 1973 (All.) 287, Khalil Ahmad v. Manager; 1974 ALJ 465 (FB), Managing Committee Sohan Lal High Secondary School v. Shiv Dutta Gupta and a Division Bench Judgment dated 27.7.2004 passed in writ petition No. 394 (MB) of 1988, Harold Tames v. Union of India and others.

22. A plain reading of Article 226 of the Constitution indicates that power conferred by clause 2 of Article 226 of the Constitution may be exercised while invoking jurisdiction under clause 1 of Article 226 of the Constitution. Therefore, while considering the maintainability of the writ petition, at first instance it should be seen as to whether the petition is maintainable under clause 1 of Article 226 of the Constitution or not. Needless to say that power to issue prerogative writs vesting in this Court is confined to clause 1 of Article 226 of the Constitution. Unless a writ is held to be maintainable under clause 1 of Article 226 of the Constitution no order may be passed under clause 2 of Article 226 of the Constitution. Under clause 1, a prerogative writ may be issued by this Court for the enforcement of any right conferred by part III or for any other purpose. The word "for another purpose" gives ample power to this Court to exercise jurisdiction under Article 226 of the Constitution for the ends of justice. However, the power is subject to self imposed restriction exercised by this court while entertaining a writ petition under writ jurisdiction.

23. However, it is a rule of discretion and not of exclusion of jurisdiction in declining to entertain a writ petition on the ground of involvement of a disputed question of fact vide AIR 1970 SC 786, Sharma S.N. v. Bipen Kumar Tiwari. In case an issue can be decided on the basis of material on record then the Court is competent to decide an issue even if it involves disputed question of fact vide AIR 1971 SC 1021, Century Spinning and Manufacturing Co. v. Ulhasnagar Municipal Council.

24. In the case of Rohtash Industries Limited (supra) Apex Court held that the jurisdiction of High Court under Article 226 of the Constitution of India is wide enough and order passed thereon can affect any person even a private individual. The error of law apparent on the face of record in an award passed by Arbitrator under Section 10A of Industrial Disputes Act was subject matter of dispute in the case of Rohtash Industries Limited (supra) and is not applicable under the facts and circumstances of the present case.

25. However, Apex Court has not ruled that against the decision taken by the committee of management writ petition shall be maintainable for the enforcement of fundamental rights or for any other purpose in public interest.

The public interest is judged on different footings than an exclusively private dispute between the parties.

26. In the case of *Warika Nath* (supra), Supreme Court held that High Court has ample power to issue prerogative writ wherever injustice is caused and authority who is required to act in accordance to Act and statute in case commits wrong, order passed by such authority may be interfered under writ jurisdiction.

27. Undoubtedly, under Article 226 of the Constitution of India mandamus may be issued in case a private body or an institution does not follow the statutory provision or direction issued by the statutory body while discharging public duty. This Court under Article 226 of the Constitution of India may compel such private body to discharge its public duty in accordance to law. What is public duty and public authority has been interpreted by Hon'ble Supreme Court in a case reported in AIR 1989 SC 1607, *Shri Anadi Mukta Sadguru Shree Muktajee Vandasji swami Suva ma Jayanti Mahotsav Smarak Trust and others v. V.R. Rudani and others*. It has also been held in the case of *Shri Anadi Mukta Sadguru Shree Muktajee Vandasjiswami Suvarna Jayanti Mahotsav Smarak Trust* (supra) that a writ or mandamus may be issued to a body or authority depending upon the nature of duty imposed upon them. Relevant portion from the judgment of *Shri Anadi Mukta Sadguru Shree Muktajee Vandasjiswami Suvarna Jayanti Mahotsav Smarak Trust* (supra) is reproduced as under:

"16. There, however, the prerogative writ of mandamus confined only to public authorities to compel performance of public duty. The public authority for them means every body which is created by statute and whose powers and duties are defined by statute. So government departments, local authorities, police authorities, and statutory undertakings and corporations, are all public authorities. But there is no such limitation for our High Courts to issue the writ in the nature of mandamus. Article 226 confers wide powers on the High Courts to issue writs in the nature of prerogative writs.

19. The term "authority" used in Article 226, in the context, must receive a liberal meaning unlike the term in Article 12. Article 12 is relevant only for "the purpose of enforcement of fundamental rights under Article 32. Article 226 confers power on the High Courts to issue writs for enforcement of the fundamental rights as well as nonfundamental rights. The words "any person or authority" used in Article 226 are, therefore, not to be confined only to statutory authorities and instrumentalities of the State. They may cover any other person or body performing public duty. The form of the body concerned is not very much relevant. What is relevant is the nature of the duty imposed on the body. The duty must be judged in the light of positive obligation owed by the person or authority to the affected party. No matter by what means the duty is imposed. If a positive obligation exists mandamus cannot be denied."

28. Learned counsel for the petitioner has relied upon the following decisions in support of, his contention that writ of mandamus would lie against Committee of

Management of an educational institution discharging public duty:

(1989) 2 SCC 691 (para20), (1997) 3 SCC 571, (1999)1 SCC 741 (para24), (2002) 5 SCC 111, (1981) 1 SCC 722, (1975) 1 SCC 421, (1969) 3 SCR 773.

29. The college was granted permanent affiliation of Lucknow University in the year 1994 and was incorporated in the Statutes of Lucknow University. A perusal of the scheme of administration of education society of college would reveal that the institution was established under Article30 of the Constitution of India in order to fulfil the aims and objects of providing higher education to the youths, especially to Muslim minority. Furthermore, as the college was affiliated with Lucknow University, the Committee of Management was responsible for running the institution in accordance with the provisions of U.P. State Universities Act and statutes framed thereunder.

30. Clause4 of the Scheme of Administration confers powers upon the Committee of Management to manage the affairs of the college in accordance with the provisions of the State Universities Act and Statutes.

31. Learned counsel for the petitioner has drawn the attention of the Court to the provisions of Section 38(7) of the Act which provides for withdrawal of recognition of an associated college by the Executive Council, if the Committee of Management does not fulfil the conditions of its recognition or if it persists in making default in performance of its duties under the Act. The conditions of recognition of associated colleges of Lucknow University are duly prescribed under the Statutes. Learned counsel has referred Statute 13.04 which requires fulfilment of several conditions including the payment of salary and other allowances to the employees of the college. Statute 13.31 provides for suspension of recognition for nonfulfilment of the conditions of recognition. Reference has also been drawn to Statute 13.32(2) which provides for withdrawal of recognition in the event salaries of the staff are not paid regularly or if the teachers are not paid their salaries to which they are entitled under the Statutes or the Ordinances.

32. Learned counsel for the petitioner has submitted that word "salary" has been defined in Section 56(b) of the Act which includes dearness allowance or any other allowance for the time being payable to a teacher or other employees, after making permissible deductions. Reference was also made to Statute 13.19 by which the State Government vide GO. dated 16.2.1999 revised the pay scales of the teachers of Universities and Degree Colleges, which was revised w.e.f. 1.1.1996. Learned counsel for the petitioner has further emphasized that the appointment letter of the petitioner in the college protects the payment of salary to him subject to such revision as made by the University, which was approved by the State Government from time to time. It is contended that when the Committee of Management of the college did not comply with the provisions of the Act and Statutes regarding payment of regular salary and other allowances to the petitioner, as per the provisions of State Universities Act and Statute

framed thereunder, the petitioner was constrained to file present petition. It is further submitted that as the Committee of Management of the college is imparting higher education, which has to be regulated by the provisions of State Universities Act and Statutes framed thereunder, it is the State within the meaning of Article 12 of the Constitution of India, therefore, writ petition would lie against the respondent No. 1. It is also contended by the learned counsel for the petitioner that the petitioner was being paid consolidated salary and not regular salary as admissible to him.

33. Learned counsel for the respondent No. 1 has submitted that writ of mandamus can be issued for compliance of statutory duties and not to the respondent No. 1, which is the Committee of Management of the minority college and appropriate remedy available to the petitioner for raising his grievances, as raised here, would be to file suit and not to file writ petition under Article 226 of the Constitution of India. It is next contended that regular pay scale shall be applicable only to those teachers/employees whose bond/agreement has been approved by the University but in the case of petitioner same was not done. It is also contended that petitioner did not sign any agreement, thus, is not entitled to regular salary or revised pay scale. Learned counsel for the respondent has admitted that the petitioner was paid less salary, as required under the relevant pay scale and it was done because the college was under self financing scheme. It is further contended that the college is not under grantinaid and is being run under self financing scheme and vide Government Order dated 9.5.2000 it was provided that 75% to 80% of the tuition fee should be spent for payment of salary under self financing scheme. It is further contended that no writ petition would lie against private college under Article 226 of the Constitution of India. It is also contended that Committee of Management of private education institution is not statutory authority, therefore, is not amenable to writ jurisdiction. Learned counsel for the respondent has relied upon the following judgments in support of aforesaid contentions:

AIR 1976 SC 888 (Executive Committee of Vaish Degree College v. Laxmi Narain and others), AIR 1977 All. 539 (FB) (Aley Ahmad Abidi v. District Inspector of Schools, Allahabad and others), 1986 UPLBEC 1147 (DB) (Dan Bahadur Singh v. Management Committee of Colvin Talukdar's College and others), 2003(3) UPLBEC 2728 (SC) (Federal Bank Ltd. v. Sagar Thomas and others), 2004(1) UPLBEC 7 (SC) (General Manager, Kisan Sahkari Chini Mills Ltd. v. Satrugan Nishad and others), 2005 (3) UPLBEC 2187 (FB) (M.K. Gandhi and others v. Director of Education (Secondary), U.P., Lucknow and others), 2006 (1) UPLBEC 208 (Maulana Mohd. Jahangir Alam Qasmi v. Mohatmin Darul Moballegh in and another), 2007 (25) LCD 508 (Lalsa Prasad v. State of U.P. and others), 1993(2) UPLBEC 1308 (Saroj Kumar and others v. Zila Basic Shiksha Adhikari).

34. Considering the rival submissions made by the learned counsel for the parties and after considering and perusing the provisions of U.P. State Universities Act and Statutes framed thereunder as well as the provisions of

scheme and administration of the college, as aforementioned, we are of the opinion that writ of mandamus can be issued to the respondent No. 1, which is performing public duty of imparting higher education to the children and is affiliated to Lucknow University as well as is to be managed and run as per State Universities Act and Statute framed thereunder. For imparting higher education proper faculty is required so that standard of higher education is maintained for the students in the college. To get the benefit of such faculty, we feel that the person who is so qualified that he imparts higher education up to degree level such person is entitled for the salary which is due to be paid to him under law. Admittedly, the petitioner was paid consolidated salary and not regular salary (including revised salary) as per the provisions of State Universities Act and Statutes framed thereunder. This act of the respondent No. 1 is also violative of Articles 14, 16 and 21 of the Constitution of India. The respondent No. 1, which is a statutory body and the college is being run for particular purpose, which is granting degree up to degree level, after being affiliated to Lucknow University, therefore, condition of service, including payment of salary to the employees and teachers of the said college is to be regulated and should be made in consonance with State Universities Act and Statute framed thereunder. However, the petitioner approached this Court under writ jurisdiction without representing his grievances before the Vice Chancellor of the University for redressal thereof, thus, it is provided that in case the petitioner moves appropriate representation raising all his grievances before the Vice Chancellor of Lucknow University within a period of one month from today, the same shall be considered and decided by the Vice Chancellor, expeditiously, preferably within a period of four months thereafter, in accordance with law.

35. With the above observations and directions this petition is disposed of finally.