

(2010) 07 AHC CK 0522
In the Allahabad High Court
Case No : Writ C. No. 64543 of 2006

Nand Kumar Singh and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 22-07-2010

Acts Referred:

Citation : (2010) 07 AHC CK 0522

Hon'ble Judges : Sanjay Misra, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sanjay Misra, J.—Heard Sri J.P. Singh, learned Counsel for the Petitioners who are three in number and claim to be Assistant Teachers in the institution by the name of Janta Janardan Vidya Peeth Higher Secondary, Lohra, district Azamgarh and learned Standing Counsel for the State-Respondents and Sri S.P. Srivastava for Respondent No. 5.

2. The Petitioners filed this writ petition for quashing the Condition No. 12 in the order dated 09.09.2006 issued by the Director of Education (Basic), U.P., Allahabad, whereby a condition has been imposed for bringing a Junior High School in grant-in-aid list. Learned Counsel for the Petitioners has referred to the supplementary affidavit and states that the matter engaged the attention of this Court in Writ Petition No. 61343 of 2006, the Committee of Management, Mata Tapeshwari Saraswati Vidya Mandir and Ors. v. State of U.P. and Ors.", and this Court by the judgment dated 04.01.2007 allowed the writ petition and quashed the Condition No. 12 of the order dated 09.09.2006 issued by the Director of Education (Basic), U.P., Allahabad. He states that against the aforesaid order the State-Respondents filed Special Appeal No. 162 of 2007, which was also dismissed by the Division Bench on 15.01.2008. He refers to the SLP No. 4630 of 2008, "State of U.P. and Ors. v. Committee of Management, Mata Tapeshwari Saraswati Devi Mandir and Ors.", and states that the order passed by the learned Single Judge and in Special Appeal by the Division Bench has been

upheld by the Apex Court by the judgment dated 02.12.2009. The aforesaid judgment has been filed as Annexure No. 3 to the supplementary affidavit.

3. Learned Standing Counsel has not filed any counter affidavit nor has disputed the submission of learned Counsel for the Petitioners regarding the decision of the Court whereby the Condition No. 12 of the order dated 09.09.2006 has been quashed by the Court. Paragraph 23 of the judgment of the Hon"ble Supreme Court is quoted hereunder:

These Special Leave Petitions are, accordingly, dismissed. As directed by the learned Single Judge of the High Court by his judgment and order dated 4th January, 2007, and upheld by the Division Bench by its judgment and order dated 15th January, 2008, the Petitioners are directed to consider the case of the Respondent institutions, along with other applicants, for being brought within the ambit of the grant-in-aid Scheme in pursuance of the Government Order dated 7th September, 2006, and while doing so ignore Condition No. 2(13) of the said Order and Condition No. 12 of the Advertisement dated 9th September, 2006, issued by the Directorate of Basic Education, U.P.

4. From the aforesaid circumstances, it appears that the issue raised in this writ petition has already been decided by this Court and affirmed by the Apex Court. Consequently, this writ petition is also allowed in the same terms as Writ Petition No. 61343 of 2006 (supra).

5. No order is passed as to costs.