
(2004) 08 AHC CK 0110

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 9188 of 2004

Periyar Ram Swaroop Ram Nath Balika Inter College

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 03-08-2004

Acts Referred:

Citation : (2004) 5 AWC 4883 : (2004) 3 UPLBEC 2613

Hon'ble Judges : Arun Tandon, J

Bench : Single Bench

Advocate : Vidya Yadav and Rakesh Prasad, for the Appellant;

Final Decision : Allowed

Judgement

Arun Tandon, J.—Heard Sri Rakesh Prasad and Smt. Vidya Yadav, learned Counsel for the petitioner and learned Standing Counsel For the State-respondents.

2. This writ petition has been filed by the Committee of Management of Periyar Ram Swaroop Ram Nath Balika Inter College, Rarngarh (Chatara), Sonbhaddra through its Manager Indrajeet Singh for a direction upon the Madhyamik Shiksha Parishad to permit the students of the petitioner's Institution for appearing in the Intermediate Examination of 2004 as well as to allot the roll numbers to the students of the petitioner's Institution.

3. This Court while entertaining the said petition on 5th March, 2004 directed that the examination forms of the students of the petitioner's Institution be accepted provisionally and they be permitted to undertake the examination, however, their results shall not be declared except with the leave of the Court. It is on record that in pursuance of the interim order granted earlier by this Court, the examination forms of the students of the said Institution were accepted and they have been permitted to undertake the Intermediate Examination of the year 2004. However, their result has not been declared yet.

4. Counter-affidavit has been filed on behalf of the respondents and it has been stated that since the Institution has not been granted recognition for Intermediate Examination by the State Government in accordance with the provisions of Intermediate Education Act, the students admitted by the Institution cannot be said to be bona fide students and as such the relief of declaration of their results may not be granted.

5. From the facts as borne out from the record, it is apparent that the State Government vide notification dated 27th August, 2001 came out with a policy of one time recognition in respect of the Intermediate Colleges provided they deposit requisite fees i.e., Rs. 10,000/- per subject.

6. According to the petitioner they had deposited the said fees of Rs. 10,000/- each for every 4 subjects. In all Rs. 40,000/- was deposited in respect of the said subjects in the Institution for being recognized under one time scheme for Intermediate Examination. In the conditions of the said scheme it is provided that on the application being submitted along with respect of deposit of requisite fee, it shall be deemed that the Institution has been granted recognition in the concerned subjects. Petitioner has also brought on record a copy of the letter of the District Inspector of Schools, Shonbhadra by which the said information was forwarded to the Regional Secretary, Madhyamik Shiksha Parishad, Regional Office, Varanasi.

7. In view of the aforesaid, it is contended on behalf of the petitioner that the Institution was justified in admitting the students in Class XII as regular students. Further the requisite examination fees in respect of the thirty students admitted in the Class XII of the said Institution has already been deposited with the Madhyamik Shiksha Parishad. There is no justification for non-declaration of the result of the students of the Institution.

8. I have heard learned Counsel for the parties and have gone through the records.

9. In view of the Government Order dated 27.8.2001, if the petitioner has submitted his application along with requisite fee for one time recognition, no order is required to be passed by the State Government for grant of recognition to the Institution as provided in Clause 3 of the Government Order. The said condition as mentioned in the said clause is quoted herein below :

"Van time manyata hetu avedan kamey vala sanstha ko ayedit varg key sabhi visoyon main svatah pradat samjhi jayegi."

10. In view of the above mentioned clause, it is apparent that the recognition is deemed to have been granted in the eyes of law on fulfillment of the condition. Thus, the stand taken by the respondents to the effect that the Institution is not recognized, is not justified. Under the above mentioned Clause 3, since along with the application requisite fee has been deposited by the Institution it shall be deemed to have been granted recognition and therefore, the respondents are

under obligation to accept the examination forms of the students of Intermediate classes of the petitioner's Institution and to allow them to appear in the examination as also to declare their results. .

11. In view of the aforesaid, the writ petition is allowed. The Secretary, Madhyamik Shiksha Parishad, U.P.1, Allahabad is directed to declare the result of the Intermediate students of the Institution at the earliest possible, preferably within one month from the date a certified copy of this order is produced before him. Petition allowed.