

(1995) 01 AHC CK 0067

In the Allahabad High Court

Case No : Civil Miscellaneous W.P. No. 41639 of 1994, With Civil Miscellaneous W. P. Nos. 27980, 40480 and 39465 of 1994, 216, 1964, 1965, 2767 and 3051 of 1995

Phushpa Devi Sharma and Others

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 20-01-1995

Acts Referred:

Uttar Pradesh High School and Intermediate Colleges (Payment of Salary to Teachers and Other Staff) Act, 1971 — Section 2, 3

Citation : (1995) 01 AHC CK 0067

Hon'ble Judges : M.Katju, J

Final Decision : Allowed

Judgement

M Katju J.

1. This writ petition has been filed for mandamus direction respondents to "pay salary to the petitioners in accordance with U. P. High School and Intermediate College (Payment of Salary of Teachers and Other Employees) Act 1971. The petitioners are teachers in primary section of Mahatma Gandhi Intermediate College, Hathras, Aligarh. The petitioner No. 1 was appointed on 1771 and other petitioners were appointed subsequently. In para 14 of the petition it is stated that the primary section was granted recognition by the District Inspector of School, Aligarh on 28871. The Junior School was granted temporary recognition on 91271 permanent recognition on 14872. True copies of which are Annexure 2 and 3. It is stated that later on High School was also granted permanent recognition by the Board In para 8 it is stated that reimbursement grant was sanctioned for primary section of the Institution from 1971 to March 1972 and similar grants were given upto 198283 as stated in para 10 of the petition. In para 11 of the petition it is stated that subsequently no grant was granted for the year 198384 onwards. In para 12 it is stated that by Government order dated 6989,393 institutions were given grantinaid, but not the petitioners institution petitioners made several representation but to no avail,

2 In the counter affidavit filed by Shri Ram Lakhan it is stated in para 4" that in view of the Government order dated 21673 no primary institution can be attached to Higher Secondary School. Hence the primary sect on shall not be treated as attached to the Institution. Similar controversy arose in Civil Misc. Writ Petition No. 6241 of 1992, Committee of Management v. Director of Education, decided by Hon''ble R. A. Sharma on 71 93 It has been held in that judgment that the basis on which the benefit of the Act has been denied to the primary section, cannot be sustained.

3 Following the aforesaid judgment, this writ petition is allowed. A mandamus is issued to the respondents to put the primary section of the college in maintenance grant in accordance with Government order dated 6 989 and to pay salary to the teachers m primary section in accordance With the Payment of Salary Act.