courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 14/09/2026

(2010) 08 AHC CK 0466

In the Allahabad High Court

Pratibha Shishu Shiksha — APPELLANT

Vs

State of U.P. and Others — RESPONDENT

Date of Decision : 27-08-2010

Acts Referred:

Citation : (2010) 08 AHC CK 0466

Hon'ble Judges : Shishir Kumar, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Shishir Kumar, J.—Heard learned Counsel for the petitioner and learned Standing Counsel.

2. The petitioner being a Committee of Management has approached this Court for a writ of mandamus commanding the respondent to include the petitioner under the grant-in-aid. The Institution in question was opened in the year 1993 and a recommendation was also granted by the competent authority. The State Government has provided grant to the degree Colleges, intermediate colleges and various other institutions run by the Committee of Management. That the claim of the petitioner was rejected without considering the circumstances only on the ground that State Government has taken a decision by order dated 5.10.2006 not to take any primary institution under the grant-in-aid. According to petitioner this action and decision taken by the respondent State is arbitrary in nature. A mention has been made by the petitioner in the writ petitioner that the order has been passed by the respondent without any notice and opportunity to the petitioner. Now though the claim of the petitioner has been rejected but by a letter dated 3rd August, 2010, the State Government has issued an order providing to grant a fix amount to the primary schools on the basis of a recommendation of the Committee constituted in a District. According to petitioner such restriction cannot be made and at one point of time the claim of the petitioner has been rejected and now the State Government has issued order on 3rd August, 2010. Further submission has been made that earlier a similar

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/pratibha-shishu-shiksha-appellant-…

controversy has arisen and in Writ Petition No. 48488/1999 the Court has allowed the writ petition by order dated 7.9.2005 and has directed the State Government to include the name of the petitioner''s institution in the recurring grant-in-aid list and release the amount within a period of three months. The Court has taken a view on the ground that a particular institution has been recognized after a particular date, therefore, it will not be considered for the purposes of bringing the institution under the grant-in-aid list. In such circumstances, the Court has allowed the writ petition and directed the authority to provide the grant to such institutions. According to petitioner, the claim of the petitioner is fully covered in view of the decision rendered in the writ petition (Supra).

3. I have considered the submissions of the petitioner and learned Standing Counsel. Learned Standing Counsel has also submitted that the claim of the petitioner can be considered by the competent authority according to law and in view of the judgment mentioned above. Therefore, this writ petition is being disposed of finally with the consent of the parties without inviting any counter affidavit.

4. After consideration of the submission of the parties, in my opinion the State Government cannot act arbitrarily and the authorities has to perform giving equal treatment to all. There may be a criteria to be fulfilled by an institution for taking them under the grant-in-aid. But in case an institution fulfills the criteria they are entitled to get the benefit according to the policy of the State Government. The State Government in spite of the fact that a particular institution fulfills the requisite requirement for the said purpose cannot deny benefit on the ground due to paucity of funds. Such action of the State can easily be treated to be arbitrary in nature. Further at one point of time, the claim of the petitioner has been rejected and now in view of the Government Order dated 3rd August, 2010 it is provided that a lump sum recurring benefit will be provided to some particular educational institutions on the basis of a recommendation by the District Magistrate. Further in my opinion, the judgment of this Court in writ petition (supra) fully covers the plea. The Court has taken an analogy that the Apex Court and this Court has held that children up-to the age of 14 years have a right of education and the State is oblige under the constitutional mandate to give free education.

5. In such circumstance, I am of the opinion that this writ petition can also be disposed of finally directing the respondent No. 2 to take an appropriate decision regarding bringing the petitioner''s institution under the grant-in-aid taking into the judgment of this Court mentioned above, and the decision in this regard will be taken within a period of two months from the date of production of certified copy of the order.

6. The writ petition is disposed of accordingly.

7. No order as to costs.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/pratibha-shishu-shiksha-appellant-…