
(1998) 08 AHC CK 0126
In the Allahabad High Court
Case No : C.M.W.P. No. 14314 of 1998

Ravinder Singh

APPELLANT

Vs

Principal, Parker Inter College, Moradabad and others

RESPONDENT

Date of Decision : 11-08-1998

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : (1998) 4 AWC 160 : (1998) AWC 160 : (1998) 3 UPLBEC 2219

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Y.S. Saxena, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju, J.—The petitioner is a Head Clerk in the Methodist Church School. In my opinion, no writ petition lies against the aforesaid school as it is a purely private body and minority Institution. Moreover, the claim of the petitioner is that he should be given house rent allowance in addition to the house rent allowance being given to his wife. In my opinion, this is wholly arbitrary.

2. In my opinion, if both husband and wife are in service, only one of them can get house rent allowance. This is because both husband and wife obviously live in one house and they do not have to pay two rents.

3. We may consider a hypothetical case. Suppose the rent of a house is Rs. 1,000 per month. Then should husband and wife both get Rs. 1,000 per month as house rent allowance? That will clearly be arbitrary and unjustified. After all, house rent allowance is paid to compensate either wholly or in part for the rent paid, and not for giving an allowance above that.

4. Learned counsel for the petitioner invited my attention to paragraph 3 of the writ petition where he has quoted some Government Order dated 8.11.1988. In my opinion, this Government Order cannot be interpreted to mean that both husband and wife will get house rent allowance. However, if it is interpreted in

the manner suggested by learned counsel, it will be arbitrary and hence violative of Article 14 of the Constitution. Thus, there is no force in this petition. The writ petition is dismissed.