
(2002) 01 AHC CK 0119

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 40548 of 2001

Sabhajeet Yadav and Others

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 16-01-2002

Acts Referred:

Citation : (2002) 01 AHC CK 0119

Hon'ble Judges : M.Katju, J and Prakash Krishna, J

Final Decision : Dismissed

Judgement

M. Katju, J.—This writ petition has been filed for a mandamus directing the State Government to release funds for payment of monthly salaries to the petitioners and further directing the respondent No. 2 to release the monthly salaries of the petitioners, since the date of their appointment in Kishan Mahavidyalaya Baghano, Ghazipur.

2. It is submitted in Para 3 of the writ petition that till date the institution has not come on grantinaid category. The institution is a recognized institution imparting postgraduate education which has been granted permission by the State Government for opening graduate classes in Arts subject. Vide Annexure1 to the writ petition. The appointment of the petitions were duly approved by the ViceChancellor vide Annexure2 to the writ petition. True copies of the appointment letters issued by the Committee of Management on 3091991 are Annexure 3A to D to the writ petition. The Committee of Management is not releasing the salaries of the petitioners vide Annexure 7A to D. The State Government issued order dated 2182000 vide Annexure9 to the petition stating that the State Government will not give grantinaid to any institution in future. It is stated in Para 12 of the petition that the payment of the petitioners are not being released by the respondent Nos. 1 and 2 and this was illegal.

3. A counteraffidavit has been filed and in Para 3 (a), it is stated that Kishan P.G. College is a nonGovernment nonaided degree college affiliated to Purvanchal University and is governed by the U.P. State Universities Act and Government

orders issued by the State Government from time to time. In Para 3 (c) it is stated that the decision whether a nonGovernment college will remain nonaided or will be taken on grantinaid depends on several other facts such as whether the college has obtained permanent affiliation from the University concerned, whether it had completed 3 years satisfactory running of the college, whether it satisfies the requisite qualifications etc. After considering all these facts the State Government takes a decision for taking any college on grantinaid or not. In para 3 (e) it is stated that the State Government has not taken even a single degree/ P.G. Nonaided college on grantinaid since 1996. In Para 3 (f) it is stated that the State Government in view of its adverse financial position and as a matter of future policy decided vide G.O. dated 2182000 that no financial assistance shall be given to any nonaid college of the State. However, the State Government evolved a new self financed scheme for these colleges under which these colleges may raise fee charges in accordance with the provisions of G.O. dated 11111997 and meet their expenses including salary bills of their staff members. The petitioners have already come under the self finance scheme as per G.O. dated 3082000. Therefore now the college is in a position to raise the fee charges and meet out all its expenses including the full salaries of the petitioners. The petitioners are not entitled to claim their salary from the State fund. The petitioners can claim from their own management to pay them full salary from the fund raised by the collection of fee.

4. In our opinion since the petitioners institution has not been placed in grant in aid, this Court cannot issue any such direction as prayed for by the petitioners for payment of salary by the State Government. The State Government has its own financial difficulties and we cannot compel it to make payment to an institution, which is not on grantinaid. The writ petition is dismissed.