

(2008) 01 AHC CK 0234
In the Allahabad High Court

Sant Ravidas Primari Pathsala

APPELLANT

Vs

State of U.P., Director of Education (Basic), Basic Shiksha
Adhikari and District Social Welfare Officer

RESPONDENT

Date of Decision : 11-01-2008

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2008) 01 AHC CK 0234

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard Counsel for the parties and perused the record.

2. Petitioner's institution, Sant Ravidas Primari Pathsala Karhava, Azamgarh was granted permanent recognition by Basic Shiksha Adhikari, Azamgarh vide order dated 21.4.1993. The staff of the said Institution are getting salary from the sources of the Management fund.

3. It is submitted that the petitioner institution is entitled to get grant-in-aid from the State Government after bringing it on grant-in-aid list, as the petitioner society confirms all the conditions in various Government Orders regarding eligibility for grant-in-aid to Primary institution. In this regard the petitioner has also made representations before the authority concerned but to no avail.

4. Aggrieved by the inaction of the respondents the petitioner has come up in this writ petition claiming that it has been discriminated by the State.

5. If an institution is established, it is the management which has to arrange and make provisions for payment of the salary to its employees. The State Government has framed policy and has given grant-in-aid to the institutions who in its discretion fulfill the criteria laid down in various Government orders. It may be that a large number of institutions may be eligible for grant-in-aid according to the norms laid down by the government but it can not be forgotten that being

welfare state. The State government has has duties in other sectors also apart from education, hence all revenue cannot be poured by it in the education sector alone. A balance has to be struck. Merely because the petitioner's institution was not taken in grant-in-aid list the petitioner has no legal to grant-in-aid where a matter is of discretion it is not hit by Article 14 of the Constitution.

6. The petitioner has no legal right to demand grant-in-aid merely because it has established an institution of its own. Neither there is any law that the State Government is bound to provide grant-in-aid to all the institutions in the State nor the State government is obliged to give grant-in-aid to all and sundry institutions which are so established as there is no privity of contract. Since grant of aid is a discretionary matter the State government and the petitioner has no legal right to claim grant-in-aid, this Court is not inclined to interfere in such matters.

7. In the circumstances, the petition is liable to be dismissed with cost which the Court assess at Rs. 5,000/-.

8. The writ petition is accordingly, dismissed with cost of Rs. 5000/-.