

(1994) 03 AHC CK 0099
In the Allahabad High Court
Case No : Writ Petition No. 7867 of 1994

Shiksha Prasar Shikshak Samiti

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 04-03-1994

Acts Referred:

Citation : (1994) 2 AWC 1174

Hon'ble Judges : Ravi S. Dhavan, J

Bench : Single Bench

Advocate : R.K. Asthan, for the Appellant;

Final Decision : Dismissed

Judgement

Ravi S. Dhavan, J.—The Petitioner, Shiksha Prasar Shikshak Samiti, district Aligarh, Uttar Pradesh, hereinafter referred to as the Samiti, has filed the present writ petition, seeking a writ of mandamus directed against the State of Uttar Pradesh through the Secretary, Education, Respondent No. 1, and the Director of Basic Education, Respondent No. 2, to pay the B.T.C. Grade to the teachers employed by the Samiti on the principle of equal pay for equal work. The other relief is also a writ of mandamus that the Respondents be directed to pay to the teachers employed by the Samiti, the same scale as payable to the teachers of the Zila Parishad Primary Schools.

2. The court has heard learned Counsel for the Petitioner and also perused the record of the writ petition. This Court is unable to direct the Respondents to make available a government grant for 122 primary schools, which the Samiti runs for funding the activities of the Samiti. On record there are four representations of the Samiti addressed to constitutional functionaries. Annexure-5 is addressed to the State Government. Annexure-8 is addressed to the Chief Minister. Annexure: 8A is addressed to the Prime Minister, and Annexure-9 is addressed to the Governor of Uttar Pradesh.

3. In fact what the Samiti desires is that each of the primary schools established

or opened by it, should be adopted as State aided schools with grant-in-aid being provided to the Samiti for each of the schools,

4. The Court has reservations whether a writ of the nature sought can be issued by the High Court. Making State funds available is a matter of allocation of finances and an exercise in budgeting and earmarking grants. If there be discrimination between similarly situated citizens even in the matter of receipt of financial patronage, then, the court could consider the violation of the equality clause. But, such is not the case in the present writ petition. Finding that the representations are not meeting with favourable results, as the Samiti desires,, this petition is only another attempt to procure an order by a direction in the nature of mandamus that the State Respondents should make financial aid available to the schools of the Samiti.

5. If the schools of the Samiti, all of them or either of them were part of the grant-in-aid and any teacher had complained that, notwithstanding, the grant being available and having been sent by the Government, he is not receiving salary, the court would have considered the grievance. But, regard being had to the circumstances of the present case, the court is unable to issue any direction which may act as a pressure either on the Chief Minister, the Prime Minister or the Governor, to make available the grant-in-aid as this is an intricate matter of fiscal balancing of budgets and expenditure before the government can commit itself for funds of the nature sought by the Petitioner samiti in not acting on the representations of the Samiti per force to make funds available for 122 school run by it.

6. The writ petition seeks beyond what this Court could arrange for. The petition is dismissed as misconceived.