
(2010) 07 AHC CK 0168
In the Allahabad High Court

Smt. Anita Yadav

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 15-07-2010

Acts Referred:

Citation : (2010) 07 AHC CK 0168

Hon'ble Judges : Dilip Gupta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Dilip Gupta, J.—The respondent-Board has not supplied the application forms for registration of the students of Class IX and Class XI since the registration fees was deposited by the petitioner on 10th October, 2009 after the expiry of the last date fixed by the Board i.e. 1st October, 2009.

2. In paragraph 4 of the writ petition, it has been stated that the fees was deposited on 10th October, 2009 through Treasury Challan of State Bank of India for the students of Class IX and Class XI.

3. Time was granted to the learned Standing Counsel on 28th April, 2010, 2nd July, 2010 and 8th July, 2010 to file a counter affidavit but no counter affidavit has been filed till date.

4. Learned Counsel for the petitioner has placed before the Court the judgment rendered by this Court on 2nd July, 2010 in Writ Petition No. 16404 of 2010 in which also the registration forms were not issued since the fees was deposited late on 6th October, 2009.

5. The said judgment is quoted below:

Five Institutions, which are recognised under the provisions of the U.P. Intermediate Education Act, 1921, have filed this petition for a direction upon the respondent-Board of High School and Intermediate Education, U.P. (hereinafter referred to as the "Board") to issue registration forms to the Institutions for the

students of Classes IX and XI studying in the academic session 2009-10.

It is stated that the registration fees of all the students studying in the Institutions in Classes IX and XI were deposited in the treasury between 3rd October, 2009 and 6th October, 2009, but the registration forms were not supplied since the registration fees was deposited after the expiry of the last date, i.e., 1st October, 2009.

In this connection, Sri Ashok Khare, learned Senior Counsel appearing for the petitioners has placed before the Court the communicated dated 14th November, 2009 sent by the District Inspector of Schools, Chandauli to the Director of Education wherein it has been stated that the nine Institutions mentioned in the letter including the petitioner-Institutions had deposited the registration fees amount between 3rd October, 2009 and 10th October, 2009, even though the last date was 1st October, 2009. In paragraphs 23 and 24 of the writ petition, the petitioners have specifically stated that the registration forms of students studying in four Institutions were accepted even though the registration fees amount was deposited after 1st October, 2009.

All that has been stated in the counter affidavit filed by the respondent-Board in answer to the averments made in paragraphs 23 and 24 of the writ petition is that the District Inspector of Schools has been asked to explain why the registration forms were accepted even though the registration fees amount was deposited after 1st October, 2009.

It is, therefore, clear that the Board itself has accepted the registration forms of the students studying in the four Institutions mentioned in paragraphs 23 and 24 of the writ petition even though the registration fees amount was deposited after 1st October, 2009. The Board cannot be permitted to adopt a different yardstick for the students of the petitioner-Institutions since nothing has been brought on the record to show that the registration forms of the students of these four Institutions have been cancelled by the Board. Such being the position, a direction needs to be issued to the Board to issue the registration forms to the students of the petitioner-Institutions so that the same can be filled and deposited.

The writ petition is, accordingly, allowed. The registration forms of the students studying in Classes IX and XI in the petitioner- Institutions shall be issued so that they can be filled up and deposited. Since the date for deposit of the examination forms of the students who are now studying in Classes X and XII has been announced, the Board shall issue the necessary registration forms expeditiously, preferably within a period of two weeks from the date a certified copy of this order is produced by the petitioners so that they can be deposited in time.

6. For the reasons stated in the aforesaid judgment, this writ petition is liable to be allowed and it is, accordingly, allowed. The registration forms of the students studying in Classes IX and XI in the petitioner-Institutions shall be issued so that

they can be filled up and deposited. Since the date for deposit of the examination forms of the students who are now studying in Classes X and XII has been announced, the Board shall issue the necessary registration forms expeditiously, preferably within a period of two weeks from the date a certified copy of this order is produced by the petitioners so that they can be deposited in time.