
(2012) 11 JH CK 0101
In the Jharkhand High Court
Case No : Writ Petition (C) No. 482 of 2008

St. Xavier High School

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 30-11-2012

Acts Referred:

Citation : (2013) 1 JLJR 112

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Amit Kumar Das, for the Appellant; Jalisur Rahman for the State, for the Respondent

Final Decision : Allowed

Judgement

Aparesh Kumar Singh, J.—Heard the counsel for the parties. In all these writ petitions, petitioners are high schools, who have been granted minority status by the State of Jharkhand in the year 2007. The petitioners have come before this court for directing the respondents to provide grant-in-aid to them in the same manner as other Government aided minority schools with effect from the date the petitioners-schools have been recognized as minority schools.

2. It is the contention of the petitioners that under the provision of Section 18(3) of the Bihar Non-Government School (Taking over of Control & Management) Act, 1981 respondents are bound to release grant-in-aid in respect of schools which have been granted minority status.

3. Earlier affidavits were filed by the respondent-Department of Human Resources Development, Government of Jharkhand, however by the order passed earlier in this case the Secretary, Department of H.R.D., Govt. of Jharkhand was directed to file specific affidavit. Thereafter, the said affidavit was filed by the Secretary, Dept. of H.R.D. taking common stand in all these writ petitions. It has been stated therein that the petitioners-schools have been given minority status and on principle a provision was made to provide grant-in-aid.

The department has to sanction the post of teaching and non-teaching staffs of the school as per the standard of the high school. Besides this the department has to make a budgetary provision for giving grant-in-aid which requires time. The respondent-Secretary, Dept. of H.R.D. also stated that every school who is declared minority institution will receive grant-in-aid without any discrimination. The procedure of giving grant-in-aid is codified and every school has to follow the norms of the Jharkhand State Unaided Educational Institution Aid Act, 2004. In the said affidavit it has also been clarified that the procedure has been laid down for the aforesaid purpose fixing responsibility upon the District Education Officer to verify as to how many post are sanctioned by the department in respect of the high schools in question. He also has to verify the certificates of teaching and non-teaching staffs to see as to whether they are properly qualified as per the norms of the department and whether the certificates are genuine. Such verification are require to be made in respect of teachers in different streams of Science, Humanities and Language. It is the contention of the respondent through its affidavit that the petitioners-schools have to avail the procedure as prescribed under the Act and on such application the schools will be considered for grant-in-aid as per the law and policies of the State Government.

4. It is submitted by the counsel for the petitioner that the grant-in-aid has yet not been provided to any of these petitioners-schools. Moreover, petitioners have apprehension that they may be treated differentially viz-a-viz other schools who were earlier been granted aid being minority school.

5. Be that as it may The writ petitions is pending since 2008 in a matter relating to grant-in-aid of the schools in question. In the circumstances, it appears proper to direct the respondent no. 2, Secretary, Department of Human Resource and Development, Government of Jharkhand to consider the case of each of the petitioner and take appropriate decision in accordance with law on the application of the petitioners within a stipulated period.

6. In that view of the matter, petitioners are therefore, allowed liberty to approach respondent no. 2 by making proper application as required under the Act and Rules in question within a period of 3 weeks enclosing all the supporting documents in support of their claim. Thereafter, the respondent no. 2, would proceed to conduct an exercise as contemplated under the Act, Rules and Policies of the State Government by carrying out necessary verification through the District Education Officer in respect of each school in question. Respondent No. 2, thereafter, on completion of such exercise would pass a reasoned and speaking order in respect of each school as to their entitlement of the grant-in-aid. This exercise shall be completed in respect of application of individual petitioner in question within a period of 16 weeks from the date of receipt of such application. If the respondent No. 2 finds that the claim of the petitioners are genuine and legally admissible and are entitled to such grant-in-aid, the consequential order for payment of the same shall be issued within a period of 12 weeks, thereafter. With the aforesaid observation and direction, all the writ

petitions are disposed of.