

(2010) 09 AHC CK 0495

Allahabad High Court

Case No: Writ C No. 59869 of 2010

C/M Ravindra Prem Vivek
Sanskrit Mahavidyalaya and
Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Sept. 29, 2010

Hon'ble Judges: Shishir Kumar, J

Bench: Single Bench

Final Decision: Disposed Of

Judgement

Shishir Kumar, J.

Heard Sri H.P. Mishra, learned Counsel for the petitioners, Sri V.B. Mishra and learned Standing Counsel for the respondents.

2. The relief sought in the present writ petition is that the petitioners being a Committee of Management has approached this Court for issuing a writ of mandamus commanding respondent No. 1 to include the petitioners' institution under the grant-in-aid. The petitioners' institution was established for imparting education and temporary recognition was granted by Sampurnanand Sanskrit Vishwavidyalaya, Varanasi on 13.9.1992. Since then the said institution has been recognised but it is not under the grant-in-aid. In 2000 U.P. Madhyamik Sanskrit Shiksha Parishad Adhiniyam 2000 has been established but authorities to take appropriate decision were the same like the District Inspector of Schools, Joint Director of Education and Dy. Director of Education (Sanskrit). Though the institution was established in 1988-89 but the recognition was granted by the Sanskrit Vishwavidyalaya in 1992. The State Government has taken a policy decision that Sanskrit institutions will come under the grant-in-aid in view of the Government Order dated 14.2.2007 and proposals were asked for from every district in U.P. The Committee in pursuance of the aforesaid Government Order submitted all the relevant papers including recognition and other papers before the respondents.

Certain queries were asked and it was replied accordingly. The Joint Director of Education, respondent No. 5 after having been satisfied with the report submitted by respondent No. 4 forwarded the same dated 27.3.2008 to the State Government. According to the petitioner, since then the matter is still pending consideration but it is not being considered and some list has been published by the Government and in the first and second list, about 135 institutions have been brought under the grant-in-aid but the institution of the petitioners has been left out. The Government Order mentions that only those institutions will be taken under the grant-in-aid whose recognition has been granted prior to 31.12.2000 though in the petitioners' case affiliation/recognition has been granted in the year 1992-93. The petitioners' institution fulfils all the requisite qualifications and criteria mentioned in the Government Order dated 14.2.2007.

3. It has also been pointed out by the petitioners that the Board has been established in the year 2000 by Act No. 32 of 2000 but the petitioners' institution is running much prior to 2000 on the basis of recognition by the competent authority. As the matter relating to the consideration of grant-in-aid is still pending consideration, as such petitioners requested that the respondents may be directed to consider the issue within a specified period.

4. I have considered the submissions of the petitioners and learned Standing Counsel. Learned Standing Counsel has also submitted before this Court that as the claim of the petitioners is still pending consideration, therefore, it will be appropriate that the petitioners' writ petition may be disposed of to consider the claims of the petitioners.

5. After consideration of the submission of the parties, in my opinion, the State Government cannot act arbitrarily and the authorities have to perform giving equal treatment to all. There may be a criteria to be fulfilled by an institution for taking them under the grant-in-aid. But in case an institution fulfils the criteria, they are entitled to get the benefit according to the policy of the State Government. The State Government in spite of the fact that a particular institution fulfils the requisite requirement for the said purpose cannot deny benefit on the ground due to paucity of funds. Such action of the State can easily be treated to be arbitrary in nature. Further at one point of time, the claim of the petitioners has been rejected and now in view of the Government Order dated 3rd August, 2010 it is provided that a lump sum recurring benefit will be provided to some particular educational institutions on the basis of a recommendation by the District Magistrate. Further in my opinion, the Judgment of this Court fully covers the plea. The Court has taken an analogy that Apex Court and this Court has held that children up to the age of 14 years have a right of education and the State is obliged under the constitutional mandate to give free education.

6. In such circumstance, I am of the opinion that this writ petition can also be disposed of finally directing the respondent No. 1 to take an appropriate decision

regarding bringing the petitioner's institution under the grant-in-aid taking into the Judgment of this Court mentioned above, and the decision in this regard will be taken by passing a speaking and reasoned order within a period of two months from the date of production of certified copy of the order.

7. The writ petition is disposed of accordingly. No order as to costs.

8. No order as to costs.