

(2010) 07 AHC CK 0480

Allahabad High Court

Case No: Writ C. No. 42498 of 2010

Dwaba Shiksha S.U.M.V.
Shanichara Bazar, Sant K. Nagar
and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: July 23, 2010

Hon'ble Judges: Dilip Gupta, J

Bench: Single Bench

Judgement

Dilip Gupta, J.

The sole relief claimed in the present petition is for a direction upon the Respondents to consider the application filed by the Petitioner-Institution for bringing it on the grant-in-aid list of the State Government after ignoring condition imposed in paragraph 2 (13) of the Government Order dated 7th September, 2006.

2. It is stated by Sri Jitendra Pandey, learned Counsel for the Petitioners that the only reason assigned for not bringing the Petitioner-Institution on the grant-in-aid list of the State Government is because of the condition imposed in paragraph 2 (13) of the Government Order dated 7th September, 2006. He has submitted that the condition imposed under paragraph 2(13) of the aforesaid Government Order dated 7th September, 2006 has been set aside by this Court in [Committee of Management, Mata Tapeshwari Saraswati Vidya Mandir Uchchttar Madhyamik Vidyalaya and Others Vs. State of U.P. and Others](#), and that the Special Appeal filed against the said judgment and order has also been dismissed and that the Supreme Court in SLP (C) No. 4630 of 2008 (State of U.P. and Ors. v. Committee of Management, Mata Tapeshwari Saraswati Vidya Mandir and Ors.) has also upheld the orders of this Court setting aside the said condition.

3. The Supreme Court, in the aforesaid SLP (C) No. 4630 of 2008, has observed as follows:

These Special Leave Petitions are, accordingly, dismissed. As directed by the learned Single Judge of the High Court by his judgment and order dated 4th January, 2007, and upheld by the Division Bench by its judgment and order dated 15th January, 2008, the Petitioners are directed to consider the case of the Respondent institutions, along with other applicants, for being brought within the ambit of the grant-in-aid Scheme in pursuance of the Government Order dated 7th September, 2006, and while doing so ignore Condition No. 2(13) of the said Order and Condition No. 12 of the Advertisement dated 9th September, 2006, issued by the Directorate of Basic Education, U.P.

4. Learned Standing Counsel for the Respondents has not disputed this position.

5. In view of the aforesaid, this petition is disposed of with a direction to the Respondents to consider the case of the Petitioner-Institution for bringing it on the grant-in-aid list of the State Government pursuant to the Government Order dated 7th September, 2006 after ignoring condition imposed under paragraph 2(13) of the aforesaid Government Order.