

Court No. - 10

Case :- WRIT - C No. - 15226 of 2022

Petitioner :- C/M Smt. Shanichari Devi Primary Pathshala

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Bipin Kumar Tripathi

Counsel for Respondent :- C.S.C.

with

Case :- WRIT - C No. - 15871 of 2022

Petitioner :- Sri Chandra Shekhar Ismarak Bal Shiksha Niketan

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Bipin Kumar Tripathi

Counsel for Respondent :- C.S.C.

with

Case :- WRIT - C No. - 15868 of 2022

Petitioner :- C/M Smt. Isra Devi Prathmik Vidyalaya Miriya
Redaha

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Bipin Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. All these three writ petitions contain identical prayers for inclusion of the petitioners' Institution on the grant-in-aid list of the State Government.
2. Pursuant to the previous order of this Court, counter affidavit and rejoinder affidavit have been exchanged between the parties.
3. Learned counsel for the petitioner submits that the Government has not taken a decision in the case of the petitioner, whereas identically placed Institutions have already been included on the grant-in-aid list and, therefore, the petitioner's Institution is also entitled to be included.
4. Learned counsel has placed reliance upon various orders passed

by this Court appended to the writ petition and submits that all the criteria having being fulfilled by the petitioner, inaction on behalf of the respondents is arbitrary.

5. Learned Standing Counsel, while referring to the counter affidavit, submits that in the matter of grant-in-aid, Government Orders are issued from time to time laying the policy and presently, the policy dated 14.7.2020 in vogue. He submits that such matters also require analysis of various aspects, both financial and administrative and the last government order also runs on the same lines, which also speaks of basic amenities and standards relating to teaching activity.

6. Be that as it may, since no order has been passed either accepting or rejecting the claim of the petitioner in terms of the existing policy dealing with the merits of the case of the petitioner, no fruitful purpose would be served in keeping the writ petition pending, hence, the Court feels that there has to be a speaking and reasoned order qua the petitioner's claim.

7. The writ petition stands **disposed of** directing the State Government to consider the petitioner's claim on merits in terms of the latest policy relating to grant-in-aid **on or before 30.4.2024**, provided a certified copy of this order along with requisite documents are placed by the petitioner before the State Government **in the month of December, 2023**.

8. It is made clear that the Court has not adjudicated upon the merits of the petitioner's claim and while considering the same, the State Government shall look into the plea of the petitioner that identically placed institutions were included on the grant-in-aid list as discrimination has been pleaded before this Court, in the light of orders which may again be placed by the petitioner before the State Government for reference and adjudication of his case.

Order Date :- 1.12.2023

CS/-