

Court No. - 10

Case :- WRIT - C No. - 29384 of 2023

Petitioner :- C/M Nisar Ahmad Sherwani Chisti Junior High School And Another

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

Counsel for Petitioner :- Vinod Kumar Singh

Counsel for Respondent :- CSC

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Vinod Kumar Singh, learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

2. The case of the petitioners is that it was already taken on the grant-in-aid list of the State in the year 2006 under the Government Order dated 02.12.2006, however, later on, certain dispute arose with regard to validity of the appointment of teaching and non-teaching staff and a report was submitted in the year 2008 by the District Basic Education Officer recording an observation that approval granted to one Headmaster, one Assistant Teacher, one Lipik and one Class-IV employee was found to be substantiated and for disbursement of salary, matter was sent to the Regional Assistant Director of Education, Agra.

3. It is contended that the petitioners approached the authorities but taking aid of certain Government Orders issued from time to time, it was observed that no relief can be granted to the petitioners.

4. Submission of learned counsel for the petitioners is that once the institution was taken on the grant-in-aid list and there is no order for withdrawal of grant, the State Government is not justified in keeping the matter pending for indefinite period of time.

5. Learned Standing Counsel submits that the reports were exchanged in between District Basic Education Officer and the Regional Assistant Director of Education, Agra, whereas the issue of grant has to be examined by the State Government.

6. Be that as it may, since the State Government is final authority to take a final decision in the matter of grant-in-aid, the writ petition is **disposed of** directing the State Government (respondent no.1) to take a decision in the petitioner's case after summoning relevant record from the respondents no.2 and 3 and after

providing opportunity of hearing to the petitioner by putting the petitioners to notice.

7. The decision shall be taken **on or before 31.03.2024** after providing full opportunity of hearing to the parties, provided a certified copy of this order is placed before the State Government **on or before 10.11.2023**.

Order Date :- 19.10.2023

AKShukla/-