

Court No. - 10

Case :- WRIT - C No. - 29870 of 2023

Petitioner :- C/M Dwarika Prasad Inter College

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

Counsel for Petitioner :- Sanjay Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Sanjay Kumar Mishra, learned counsel for the petitioner and the learned Additional Chief Standing Counsel for the State-respondents.

2. After hearing the learned counsel for the parties, this Court passed following order on 06.10.2023:-

"1. The petitioner is Committee of Management of Dwarika Prasad Inter College, Dasharathpur, Samdhanj, Jaunpur and has come up with a grievance that though it has applied on 05.05.2021 before the District Inspector of Schools to grant recognition to three additional subjects in Humanities Group i.e. Home Science, Arts and Civics, no decision has been taken.

2. After hearing the learned counsel for the petitioner and after perusing the record, I find that the application dated 05.05.2021 is silent about the fact as to in which additional subjects the petitioner wants recognition. Further, the alleged competence of the District Inspector of Schools to grant recognition in such matters prima facie appears to be doubtful unless some specific provision is placed before this Court.

3. The Board is also party to the proceedings and learned counsel for the petitioner seeks time to find out specific provisions under which recognition to the additional subjects can be granted.

4. Put up this case as fresh on 31.10.2023."

3. Today, learned counsel for the petitioner has referred to photostat copy of the tender challan and application dated 05.05.2021, forming part of Annexure No.1 to the writ petition, by which a sum of Rs.15,000/- was deposited for the purposes of granting recognition to three additional subjects in Humanity Groups, i.e. Home Science, Arts and Civics. He submits that the documents were already there, reference of the said subjects could not come in the application dated 05.05.2021, however, details of the aforesaid challan tender were mentioned therein.

4. As regards competence of the District Inspector of Schools in

such matters, reference to Section 7-A of U.P. Intermediate Education Act, 1921 has been made under which the Uttar Pradesh Madhyamik Board, U.P., Prayagraj (respondent no.4) is competent to grant recognition with prior approval of the State Government, however, role of District Inspector of Schools is confined to hold an inquiry and forward the documents to the Board for appropriate orders.

5. It is contended that the matter is still pending at the level of the District Inspector of Schools, Jaunpur and, therefore, process is incomplete and the petitioner is suffering.

6. Learned Additional Chief Standing Counsel submits that the District Inspector of Schools, Jaunpur shall take up the matter with most expedition and after due verification of the records placed by the petitioner, requisite report shall be forwarded to the Board.

7. Considering the above facts and circumstances of the case, the writ petition is **disposed of** directing the District Inspector of Schools, Jaunpur (respondent no.3) to take up the petitioner's application dated 05.05.2021 and, after due verification of the record produced by the petitioner, forward a report to the Uttar Pradesh Madhyamik Board, U.P., Prayagraj (respondent no.4) **before 31.12.2023.**

8. As soon as the papers and requisite reports are received by the respondent no.4, appropriate decision in accordance with law shall be taken by the Board **not later than 28.02.2024**, after providing full opportunity of hearing to the petitioner.

9. The petitioner is directed to serve a certified copy of this order in the office of District Inspector of Schools, Jaunpur **on or before 23.11.2023.**

Order Date :- 7.11.2023
AKShukla/-