

Court No. - 10

Case :- WRIT - C No. - 34485 of 2023

Petitioner :- C/M Sri Bramhchari Sanatan Dharm Junior High School

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

Counsel for Petitioner :- Kushmondeya Shahi, Tanuj Shahi

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard Shri K. Shahi, learned counsel for the petitioner and Shri Jitendra Singh, learned Additional Chief Standing Counsel for all the respondents.

2. It is contended that the petitioner-Institution was permanently recognized as a Junior High School in the year 1989 and was upgraded as High School in 2002. A Government Order dated 07.09.2006 was issued by the State Government, whereby it was provided that only Institutions imparting education from 6 to 8 Classes would be eligible for applying for aid and the Institutions below or above the said category would be ineligible. It is contended that the said clause of the Government Order was quashed by this Court and when the matter reached the Apex Court, the Special Leave Petitions preferred by the State of U.P. were dismissed and taking care of the insertion of section 13-A in the U.P. Recognized Junior High Schools (Payment of Salaries of Teachers and other Employees) Act, 1978, the Apex Court clearly held that the protection would also be available to the Institutions that had been upgraded from Junior High School. It is, therefore, contended that though the petitioner's matter is pending at the level of State Government and certain reports have been exchanged between the Authorities, no final order has been passed probably for the reason that Government does not consider the petitioner as eligible.

3. Learned Additional Chief Standing Counsel submits that the petitioner is prejudging the controversy and without there being an order by the State Government, it cannot be said that anything has been done contrary to the interest of the petitioner. However, he does not dispute that there has to be an order either way on merits of the claim of the petitioner, if reasonable time is granted to the State Government, appropriate order shall be passed.

4. In view of above, the writ petition is **disposed of** directing the respondent No. 1, (State of U.P. through Additional Chief Secretary (Basic Education), Govt. of U.P. at Lucknow) to consider the petitioner's claim for inclusion on the grant-in-aid list and pass a reasoned and speaking order thereon **on or before 30.04.2024**, provided a certified copy of this order alongwith necessary documents and judgments of the courts of law are produced before the State Government by the petitioner in the month of **December, 2023**.

Order Date :- 30.11.2023

Sazia