

Court No. - 40

Case :- WRIT - C No. - 34950 of 2023

Petitioner :- Gaurav Pratap Singh and 9 Others

Respondent :- Union Of India And 5 Others

Counsel for Petitioner :- Sudarshan Singh

Counsel for Respondent :- A.S.G.I.,C.S.C.,Krishna Agarawal

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Sudarshan Singh, learned counsel for the petitioners and Sri Krishna Agarwal, learned counsel appearing for the respondents.

2. The petitioners claim that they hold licence for State Level Tourist Guide. They have preferred this writ petition for the following relief:-

"(i) Issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 3- Superintendent Archeologist, Archaeological Survey of India, 22 Mall Road, District Agra or any authority competent defined under Rule 8 (d) of the Rules of 1959, i.e., "The Ancient Monuments and Archaeological Sites and Remains Rule, 1959" to endorse the licenses of the petitioners as State level guides for the working over protected monuments in lieu of the selection made by the Ministry of Culture/ Tourism State of U.P. in pursuance of the Advertisement dated 18.06.2012."

3. A Division Bench of this Court in **Writ-C No.34704 of 2014, Ajay Kumar Srivastava and others v. State of U.P. and others**, vide order dated 09th July, 2014 has taken a view that the State level guides are not entitled for the licence and accordingly, the writ petition was dismissed. Aggrieved by the said order a special leave petition, being **SLP(C) No. 30715 of 2014, Deepak Dan and others v. Director General, Department of Tourism and others**, was filed. The Supreme Court set aside the order of the High Court in the following terms :-

"Having regard to our above conclusion on the applicability of Paragraph 3.1.5 of the 2011 Guidelines vis-a-vis the licences issued based on the Guidelines of the year 2003 as well as 2007, we are convinced that the appellants' applications for renewal of their licences which were issued based on the 2003 Guidelines should be considered on its own merits and also by applying the tests which the Archaeological Survey of India wants to update and furnish by way of comprehensive policy by publishing the same widely and by communicating it to the concerned authorities. It is stated that the appellants have already applied for renewal of their licences. We, therefore, direct Respondent Nos. 1 to 3 to consider the licences of the appellants for renewal keeping in mind the above observations as well as the prescriptions which are required to be taken

into account based on the comprehensive policy to be furnished by the Archaeological Survey of India and pass orders within eight weeks from today.

The impugned order is set aside and the appeal is allowed on the above terms."

4. Our attention has also been drawn to an order passed by a Division Bench of this Court in the similar circumstances in **Writ-C No. 44573 of 2016, Shwetank Rao and others v. Union of India and others**, dated 17th September, 2016. Relevant part of the order is extracted below :-

"We, therefore, dispose of the present writ petition permitting the petitioners to represent their grievances before respondent no. 3 and file documents in support of such matter, as they may be advised. The respondent no. 3 shall consider the renewal of licence in conformity with the order of this court in Government Approved Tourist Guides Association (supra) and the directions of the Apex Court in Deepak Dan (supra) as well as guidelines which may now be issued by the Archaeological Survey of India. The Courts has been informed that the guidelines have been framed and circulated by the Archaeological Survey of India and has been published under the letter dated 7th September, 2016.

The entire exercise shall be completed and necessary action shall be taken by respondent no. 3 preferably with a period of eight weeks from the date of submission of certified copy of this order.

Disposed of."

5. Following the direction of the Supreme Court, we find that the grievance of the petitioners can be considered by the competent authority in accordance with law.

6. This writ petition is also **disposed of** in the same terms. Accordingly, we grant liberty to the petitioners to make appropriate application before the competent authority. In the event, any such application is made along with certified copy of this order within two weeks from the date of communication of this order, the same shall be considered in accordance with law in the light of the law laid down by the Supreme Court, expeditiously within three weeks thereafter.

Order Date :- 2.12.2023

Rama Kant