



2026:UHC:4494-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>SPA/186/2025</u> with <u>SPA/97/2025</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> Mr. K.N. Joshi, Deputy Advocate General for the State/appellant in SPA No. 186 of 2025. 2. Mr. A.S. Rawat, Senior Advocate, assisted by Mr. Gaurav Paliwal, Advocate for the appellant in SPA No. 97 of 2025. 3. Mr. Rajendra Dobhal, Senior Advocate, assisted by Mr. Anil Kumar Joshi & Mr. R.C. Tamta, Advocates for the respondents. 4. Since common questions of fact and law are involved in these special appeals, therefore, these appeals are clubbed together and decided by this common judgment. However, for the sake of brevity and convenience, facts of SPA No. 97 of 2025 alone are being considered and discussed. 5. This intra-court appeal is directed against interim order dated 16.04.2025, passed by learned Single Judge in WPMS No. 583 of 2022. Operative portion of the said



		order, is extracted below:- “19. In the meantime, State Government – respondents are directed to pay salary to the teaching and non teaching staff of the petitioner’s institution, keeping in view the fact that institution was brought within the purview of grant in aid in 2015 and the same was withdrawn after 7 years i.e. in the year 2022 and for the purpose of payment of salary the only way out is to restore the grant in aid of the petitioner’s institution, as ordered by this Court on 25.03.2025. It is made clear that continuation of the teaching and non teaching staff in the petitioner’s institution and restoration of grant in aid of the petitioner’s institution will be subject to final outcome of the present writ petition.” 6. Learned State Counsel appearing for the appellant submits that by the impugned order, final relief has been granted, which could have been granted only after deciding the writ petition. He further submits that an unaided recognised school was included in the grant-in-aid list, however, the order whereby the institution was so included, was subsequently cancelled, based on a complaint. He submits that the said cancellation order was challenged by the Management of the said school in WPMS No. 583 of 2022, which is still pending. He submits that direction to pay salary to teaching and non-teaching employees of the concerned institution by the State Government cannot be sustained, as State Government would be liable to pay salary to the staff of the said school, only if the cancellation order is set aside by learned Writ Court. He submits that without adjudication of the case on merits, by an
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		interim order the relief was granted, which could not have been possibly granted, even after final judgment in the writ petition. 7. This Court finds some substance in the submission made by learned counsel for the appellant. 8. Reading of the impugned direction reveals that it amounts to final relief, which could not have been granted at interim stage. On this reason alone, impugned order dated 16.04.2025 is set aside; and the appeals are allowed. Learned Single Judge is requested to make endeavour to decide the writ petition at an early date. Respondent-writ petitioner shall be at liberty to make mention before the learned Single Judge. (Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.) 05.06.2026 Navin NAVEEN CHANDRA Digitally signed by NAVEEN CHANDRA DN: cn=NAVEEN CHANDRA, o=UHC, ou=UHC, email=NAVEEN.CHANDRA@UHC.ORG Date: 2026.06.05 10:00:00 +05'30'
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