

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.4090 OF 2014

ORDER:

This Writ Petition under Article 226 of the Constitution of India came to be filed seeking the following relief:

“ to issue a Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in not admitting the un-aided post available at the petitioner school into Grant-in-Aid as per the proposals sent by the third respondent in spite of declaring the ban orders issued in Memo No.12080/COSE/A2/2004-4, dated 20.10.2004 as illegal, arbitrary and contrary to the orders issued by this Hon'ble Court dated 30.07.2013 in W.P.Nos.9503 of 2005 and batch and consequentially direct the first respondent to admit the un-aided post available in the petitioner school into Grant-in-Aid on the basis of the recommendation made by Three Men Committee and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

Learned counsel for the petitioner would submit that in view of the common order dated 30.07.2013 passed by this Court in W.P.Nos.9503 of 2005, 7055 of 2006, 23292 of 2010 and 22580 of 2010, the petitioner is entitled for the relief sought for.

Learned Government Pleader would submit that as against the order dated 30.07.2013, W.A.No.216 of 2014 was preferred. Learned Government Pleader has drawn the attention of this Court to the observations made by a Division Bench of this Court in W.A.M.P.No.663 of 2014 in W.A.No.216 of 2014 on 05.02.2014.

In that view of the matter, by following the ratio decided by this Court vide common order dated 30.07.2013 passed in W.P.Nos.9503 of 2005 & batch, this Writ Petition is disposed of directing the petitioner to make a fresh application before the respondent-authorities, in which event, the same shall be dealt with in terms of the order passed by the Division Bench referred to supra. However, it is made clear that any permission granted by the authorities to the petitioner shall be subject to the result of the Writ Appeal.

Miscellaneous Petitions pending in this petition, if any, shall stand closed. No order as to costs.

26.04.2017
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JUSTICE C. PRAVEEN KUMAR

