

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITON No.44610 of 2018

O R D E R:

When the matter is taken up for hearing, it is submitted by learned counsel for petitioner that the issue in the present Writ Petition is squarely covered by the order, dated 30.09.2016, passed in W.P.No.3449 of 2003, wherein a learned Single Judge of this Court, allowed the Writ Petition. A copy of the said order is placed on record as a material paper. The relevant Paragraphs 21 and 22 of the Judgment read thus:

*“21. In any view of the matter, the contention of the learned Government Pleader is that the petitioner is not entitled to maintenance grant in view of G.O.Ms.No.320, which was struck down by this Court in the judgments referred supra. Even otherwise, the discriminatory attitude of the Government giving concession to one educational institution and denying benefit to the petitioner's educational institution cannot be encouraged by the Courts, since it is arbitrary and discriminatory in not releasing grant-in-aid to the petitioner's association whose object is to provide free education. In those circumstances, this Court has no option except to hold that the inaction of the respondents is arbitrary in not releasing the maintenance grant-in-aid to the petitioner's educational institution and consequently, I hold that the petitioner is entitled to all the benefits as decided in **Recognised Schools Managements Associations** case. Hence, the respondents are directed to work out maintenance grant @ 6% and arrange to pay the same within a period of three months from the date of receipt of copy of this order to the petitioner's educational institution, on par with other schools.*

22. With the above direction, the writ petition is allowed.”

It is also brought to the notice of this Court that the matter is carried in appeal in W.A.No.1296 of 2016 and a Division Bench of this Court dismissed the same by order, dated 03.08.2018, confirming the order passed by the learned

Single Judge in W.P.No.3449 of 2003. A copy of the same is placed on record as a material paper.

In view of the same, the Writ Petition is allowed in terms of the above said orders. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Registry is directed to enclose a copy of the order, dated 30.09.2016, passed in W.P.No.3449 of 2003 and a copy of the order, dated 03.08.2018, passed in W.A.No.1296 of 2016.

10th November, 2018.
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A.V.SESHA SAI, J