2026:UHC:3205

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 2664 of 2025

28 April, 2026

Jai Mohan Inter College Kaniya Ramnagar --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

Presence:-

Mr. Pooran Singh Rawat and Mr. M.C. Upadhyay, learned counsel for petitioner.

Mr. Devendra Pant, learned Standing Counsel for the State of Uttarakhand/respondents.

Hon'ble Pankaj Purohit, J. (Oral)

Supplementary affidavits filed by petitioner are taken on record. Misc. Applications (IA Nos.1 and 2 of 2025) stand disposed of.

2. By means of the present writ petition, petitioner prays for the following reliefs:-

i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent No.1 to provide status of token-grant-in-aid as the status of grant in aid has been converted into token-grant in-aid in the year 2016 for Class 9th and 10th of petitioner's school/inter college and also sanction an amount of Rs.2,00,000/- per year from the sanctioning date of token grant-in-aid excluding an amount of 1 year which has been received by the petitioner's school/inter college (Annexure No.6 to the writ petition).

ii) Issue a writ, order or direction in the nature of mandamus, commanding and directing the respondents to provide all benefits of all beneficial schemes to the students of Classes 9th to 10th of the petitioner's school/inter college as mentioned in the writ petition from the sanctioned date of grant-in-aid/token grant-in-aid. (Paragraph No.15 of the writ petition).

3. The facts of the case are that petitioner is an educational institution, namely, Jai Mohan Inter College, Kaniya, Ramnagar, District Nainital, imparting education up to the Intermediate level and managed through its duly constituted Committee of Management. The institution is stated to have been established in the year 1994 and is recognized by the competent authority. Classes 6th to 8th of

the institution have been receiving grant-in-aid since the year 1996. Insofar as Classes 9th and 10th are concerned, the institution is stated to have been granted recognition in the year 1997, and thereafter, grant-in-aid was sanctioned in its favour in the year 2014. Subsequently, the status of grant-in-aid for Classes 9th and 10th was converted to token grant-in-aid in the year 2016. It is further stated that pursuant thereto, a sum of Rs. 2,00,000/- was released in favour of petitioner-institution in the year 2019. However, according to petitioner, no further amount has been released thereafter. Petitioner has submitted that the institution has been functioning with requisite infrastructure, teaching staff and student strength, and that non-release of financial assistance has adversely affected its ability to meet financial obligations, including payment of salaries to teachers and staff. Students studying in Classes 9th and 10th in the institution are not being extended the benefit of various welfare schemes of the State Government, which, according to petitioner, are otherwise available to similarly situated students studying in aided institutions. Petitioner has made representations before the respondent authorities seeking release of grant-in-aid/token grant-in-aid and extension of benefits of welfare schemes, however, no decision has been taken thereon. Aggrieved by the aforesaid, petitioner approached this Court by way of filing the present writ petition.

4. Learned counsel for petitioner submits that the petitioner-institution is a duly recognized educational institution, which has been imparting education since 1994 and has been functioning in accordance with law. He further submits that Classes 6th to 8th of the institution have been receiving grant-in-aid since 1996, and insofar as Classes 9th and 10th are concerned, recognition was granted in the year 1997, followed by sanction of grant-in-aid in the

year 2014. He also submits that the subsequent conversion of grant-in-aid into token grant-in-aid in the year 2016, and the release of a sum of Rs. 2, 00,000/- in the year 2019, clearly demonstrates that the State had acknowledged the eligibility of petitioner-institution for financial assistance. It is argued by learned counsel for petitioner that once such recognition and financial support had been extended, the respondents cannot arbitrarily discontinue the same without any justifiable reason.

5. Learned counsel for petitioner contends that despite repeated representations, respondents have failed to release any amount towards grant-in-aid/token grant-in-aid after the year 2019, thereby placing petitioner-institution in a precarious financial position. He further contends that due to such inaction, institution is unable to meet its financial obligations, including payment of salaries to teaching and non-teaching staff, which in turn adversely affects the functioning of the institution.

6. He further argued that the students studying in Classes 9th and 10th in petitioner-institution are being deprived of the benefits of various welfare schemes of the State Government, which are otherwise extended to students of similarly situated aided institutions. According to learned counsel, such denial is arbitrary and violative of Article 14 of the Constitution of India.

7. Heard learned counsel for the petitioner and perused the material available on record. Petitioner seeks issuance of a writ of mandamus directing the respondents to release grant-in-aid/token grant-in-aid for Classes 9th and 10th and to extend the benefit of various welfare schemes to the students of the institution. It is settled law that a writ of mandamus can be issued only when the petitioner establishes a legal right and a corresponding duty on the part of the respondents. In absence of such

enforceable right, no direction can be issued under Article 226 of the Constitution of India.

8. In the present case, petitioner has relied upon the fact that grant-in-aid was sanctioned in the year 2014 and that a sum of Rs. 2,00,000/- was released in the year 2019 after conversion to token grant-in-aid. However, such past financial assistance does not confer any vested or continuing right upon petitioner to claim grant-in-aid as a matter of course. The grant of financial aid is essentially a matter of policy, dependent upon availability of resources and priorities of the State. The contention regarding arbitrariness and violation of Article 14 of the Constitution of India also does not merit acceptance. The petitioner has not placed any material on record to demonstrate that similarly situated institutions are being granted such aid while the petitioner has been singled out for denial. In absence of any such material, the plea of discrimination remains unsubstantiated. So far as the grievance regarding non-extension of benefits of welfare schemes is concerned, no specific statutory provision or scheme has been brought on record to show that the petitioner or its students are entitled to such benefits as a matter of right, irrespective of the status of the institution. Thus, this Court is of the considered opinion that no case for interference under Article 226 of the Constitution of India is made out.

9. Accordingly, the writ petition is dismissed.

(**Pankaj Purohit, J**.)
28.04.2026

PN