

**Civil Misc. Writ Petition No. 59940 of 2010**

**Committee of Management, Shivdei Balika Junior High School,  
Bisalpur, Pilibhit, & Anr.**

**Vs.**

**State of U.P. & Ors.**

With

Civil Misc. Writ Petition No.62412 of 2010

Civil Misc. Writ Petition No.24703 of 2011

Civil Misc. Writ Petition No.24704 of 2011

Civil Misc. Writ Petition No.27126 of 2011

Civil Misc. Writ Petition No.48835 of 2011

Civil Misc. Writ Petition No.24611 of 2009

Civil Misc. Writ Petition No.24705 of 2011

Civil Misc. Writ Petition No.24707 of 2011

Civil Misc. Writ Petition No.20560 of 2011

Civil Misc. Writ Petition No.27533 of 2011

Civil Misc. Writ Petition No.21521 of 2011

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**Hon. Dilip Gupta, J.**

The Committee of Managements of Junior High Schools have filed these petitions for quashing the orders passed by the State Government by which the applications filed for bringing the Schools on the grant-in-aid list of the State Government have been rejected.

Such applications were filed by the Junior High Schools in response to the advertisement issued for implementing the Government Order dated 7<sup>th</sup> September, 2006. This Government Order was issued by the State Government for bringing one thousand privately managed Junior High Schools having permanent recognition on the grand-in-aid list of the State Government subject to certain conditions, one of which contained in

paragraph 2(13) was that only Schools imparting education from classes 6 to 8 would be eligible to apply. This meant that Schools which were imparting education to classes lower than class 6 or classes higher than class 8 would not be entitled to apply. In accordance with the Government Order, an advertisement was issued by the Directorate of Basic Education on 9.9.2006, inviting applications from eligible Schools on or before 1<sup>st</sup> October, 2006 in which condition No.12 similar to condition No.2(13) of the Government Order was also imposed. A circular letter dated 14<sup>th</sup> September, 2006 was also issued by the Director of Education (Basic) specifying the modalities to be followed in processing the applications filed by the Junior High Schools.

Earlier, when the applications filed by the Schools were rejected, writ petitions were filed which were allowed by the judgment and order dated 4<sup>th</sup> January, 2007 and condition No.2(13) of the Government Order dated 7<sup>th</sup> September, 2006 issued by the State Government as well as condition No.12 of the advertisement were quashed and a direction was issued to the respondents to consider the applications of the Schools ignoring the aforesaid conditions. Special Appeal filed by the State Government against the said judgment was dismissed and the Supreme Court also dismissed the Special Leave Petitions by the judgment and order dated 2<sup>nd</sup> December, 2009 which is reported in **(2010) 1 SCC 639 (State of Uttar Pradesh & Ors., Vs. Committee of Management, Mata Tapeswari Saraswati Vidya Mandir & Ors.,**

The claim of these Junior High Schools for bringing them on the grant-in-aid list of the State Government were again rejected by the State Government by various orders which have been impugned in these petitions.

All these petitions can be broadly classified in two categories.

### **FIRST CATEGORY**

The first category consists of such petitions where the applications for grant-in-aid have been rejected for the reason that the appointments of teaching and non-teaching staff were made in contravention of the provisions of the U.P. Recognized Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers) Rules, 1978 (hereinafter referred to as the '1978 Rules') and the provisions of the U.P.

Recognized Basic Schools (Junior High Schools) (Recruitment & Conditions of Service of Ministerial Staff and Group D Employees) Rules, 1984 (hereinafter referred to as the '1984 Rules') as they were made prior to the grant of approval to their appointments by the Basic Shiksha Adhikari and, therefore, did not satisfy the condition contained in Clause 2(8) of the Government Order dated 7<sup>th</sup> September, 2006.

The petitions that fall in the First Category are Writ Petition No.59940 of 2010, Writ Petition No. 24703 of 2011, Writ Petition No.48835 of 2011, Writ Petition No.62412 of 2010, Writ Petition No.27126 of 2011 and Writ Petition No.24704 of 2011.

### **SECOND CATEGORY**

The second category of petitions are those where, apart from the aforesaid deficiency, certain other deficiencies have been mentioned in the orders. These petitions with the deficiencies are:-

#### **Writ Petition No.21521 of 2011**

(1) The order dated 16<sup>th</sup> August, 1988 for creation of posts enclosed with the Management Return was not issued from the office of the Assistant Director of Education (Basic) and after verification from the dispatch register it has been found to be a forged document.

(2) The order dated 24<sup>th</sup> November, 1986 issued by the District Basic Education Officer, Jaunpur with respect of creation of posts for four additional teachers is not a valid order because the District Basic Education Officer does not have the power to create posts.

(3) The School, therefore, cannot be brought in the grant-in-aid list of the State Government in view of Clause 2(8) of the Government Order dated 7<sup>th</sup> September, 2006.

#### **Writ Petition No.27533 of 2011**

(1) The provisions of the 1978 Rules and 1984 Rules have not been followed for making appointments of teaching/non teaching staff in the School.

(2) Some of the documents filed by the School appear to be doubtful. The photostat copy of the letter dated 7<sup>th</sup> December, 2007 sent by the Principal of the School with respect to the approval granted by Sri Girijesh

Kumar Chaudhary, the then District Basic Education Officer, Jyotibaphule Nagar to the appointment of Farman Hasan, Assistant Teacher is a forged document since the said Officer has stated that it was not issued by him and his signatures have been forged.

(3) The photostat copy of the letter dated 4<sup>th</sup> July, 1987 said to have been issued written by the then Assistant Director of Education (Basic), Moradabad with respect to the grant of approval for creation of new posts for teaching/non-teaching staff cannot be relied upon because the dispatch register shows that two letters bearing the same number were issued.

(4) The School, therefore, cannot be brought on the grant-in-aid list of the State Government in view of Clause 2(8) of the Government Order dated 7<sup>th</sup> September, 2006.

#### **Writ Petition No.20560 of 2011**

(1) From the comments obtained from the Director of Education (Basic) it transpires that the appointments of two non-teaching staff in the School namely, Radhey Shyam Sharma and Doodhnath Yadav were made on 1<sup>st</sup> July, 1979 whereas their date of birth is 2<sup>nd</sup> October, 1963 and 10<sup>th</sup> October, 1963 respectively which shows that they were about 16 to 17 years of age. The appointments are, therefore, not in accordance with the provisions of the 1984 Rules. This apart, the order for regularization of their appointments was made on 26<sup>th</sup> February, 1991 even though there is no provision for regularization and their appointments were not also made in accordance with the provisions of Rules, 14, 15 and 16 of the 1984 Rules.

(2) Clause 2(4) of the Government Order dated 7<sup>th</sup> September, 2006 provides that for a School to be brought on the grant-in-aid list of the State Government, the strength of students in Classes VI, VII and VIII, during the last three years should not be less than 105 as on 30<sup>th</sup> September, but from the information supplied by the District Basic Education Officer, the strength of the students was 67.

#### **Writ Petition No.24707 of 2011**

(1) The approval letters dated 9<sup>th</sup> October, 1982, 12<sup>th</sup> January, 1983 and 30<sup>th</sup> April, 1993 enclosed with the Management Return were not issued

by the District Basic Education Officer as is clear from the letter dated 19<sup>th</sup> March, 2010 sent by the District Basic Education Officer.

(2) The approval letter dated 23<sup>rd</sup> April, 1987 and the letter dated 19<sup>th</sup> November, 2001 are not entered in the dispatch register and the signatures of the then District Basic Education Officer also appear to be doubtful.

(3) The approval letter dated 25<sup>th</sup> June, 1992 is not entered in the dispatch register. By the letter dated 4<sup>th</sup> May, 1987, ten posts of Assistant Teachers were created but it does not mention how the remaining three posts were created.

(4) The School, therefore, cannot be brought on the grant-in-aid list of the State Government in view of Clause 2(8) of the Government Order dated 7<sup>th</sup> September, 2006.

**Writ Petition No.24705 of 2011**

(1) The School lacks Library and Science Laboratory.

(2) The signatures of the then District Basic Education Officer in the approval letter dated 25<sup>th</sup> May, 1989 appear to be doubtful.

(3) The appointment of the teaching/non-teaching staff was made prior to the grant of approval to their appointments and, therefore, the provisions of the 1978 Rules and the 1984 Rules have been violated.

(4) The School, therefore, cannot be brought on the grant-in-aid list of the State Government in view of Clause 2(8) of the Government Order dated 7<sup>th</sup> September, 2006.

**Writ Petition No.24611 of 2009**

(1) The School did not satisfy the norms/conditions of the Government Order dated 7<sup>th</sup> September, 2006 on the cut-off date because the School was running Classes IX and X when according to the Government Order it should be running only Classes VI to VIII.

(2) The School should have its own land but the Khatauni indicates that the land was in the joint names of the School and the Manager.

To appreciate the controversy in these petitions it will be appropriate to state the relevant clauses (4), (6) and (8) contained in paragraph 2 of the Government Order dated 7<sup>th</sup> September, 2006 and they are as follows:-

(4) The strength of students in Classes VI, VII and VIII during the last three years as on 30<sup>th</sup> September, should not be less than 105.

(6) On the date when the application for grant-in-aid is submitted in the office of the District Basic Education Officer, approved and regular teachers/non-teaching staff should be working against sanctioned posts.

(8) The School should have its own building.

In the First Category petitions, the sole reason mentioned for rejecting the applications filed by the Schools for bringing them on the grant-in-aid list of the State Government is that the teaching and non-teaching staff were appointed prior to the grant of approval to their appointments by the Basic Shiksha Adhikari, which is in contravention of the provisions of 1978 Rules dealing with the teaching staff and the 1984 Rules dealing with the non-teaching staff.

The relevant portion of these Rules, therefore, need to be reproduced and they are:-

#### **1978 Rules**

**“(10) Procedure for selection.”-(1)** The Selection Committee shall, after interviewing such candidates as appear before it on a date to be fixed by it in this behalf, of which due intimation shall be given to all the candidates, prepare a list containing as far as possible the names, in order of preference, of three candidates found to be suitable for appointment.

(2) The list prepared under clause (1) shall also contain particulars regarding the date of birth, academic qualifications and teaching experience of the candidates and shall be signed by all the members of the Selection Committee.

(3) The Selection Committee shall, as soon as possible, forward such list, together with the minutes of the proceedings of the Committee to the management.

(4) The Manager shall within one week from the date of receipt of the papers under clause (3) send a copy of the list to the District Basic Education Officer.

(5) (i) If the District Basic Education Officer is satisfied that-

(a) the candidates recommended by the Selection Committee possess the minimum qualifications prescribed for the post;

(b) the procedure laid down in these rules for the selection of Headmaster or Assistant Teacher, as the case may be, has been followed he shall accord approval to the recommendations made by the Selection Committee and shall communicate his decision to the Management within two weeks from the date of receipt of the papers under clause (4).

(ii) If the District Basic Education Officer is not satisfied as aforesaid, he shall return the papers to the Management with the direction that the matter shall be reconsidered by the Selection Committee.

(iii) If the District Basic Education Officer does not communicate his decision within one month from the date of receipt of the papers under clause (4), he shall be deemed to have accorded approval to the recommendations made by the Selection Committee.

**11. Appointment-Appointment by the Management.**-(1) On receipt of communication of approval or as the case may be, on the expiry of the period of one month under clause (iii) of sub-rule (5) of Rule 10, the Management shall, first offer appointment to the candidate given the first preference by the Selection Committee and on his failure to join the post, to the candidate next to him in the list prepared by the Selection Committee and on the failure of such candidate also, to the last candidate specified in such list.

(2) (a) The appointment letter shall be sent under the signature of the Manager by registered post to the selected candidate.

(b) The appointment letter shall clearly specify the name of post, the pay scale and the nature of appointment, whether permanent or temporary, and shall also specify that if the candidate does not join within 15 days from the date of receipt of the appointment letter, his appointment shall be cancelled.

(c) a copy of the appointment letter shall also be sent to the District Basic Education Officer.

### 1984 Rules

**“(15) Procedure for selection.**-(1) The Selection Committee shall, after interviewing such candidates as appear before it on a date fixed by it in this behalf, of which due intimation shall be given to all the candidates, prepare a list containing as far as possible the names, in order of preference, of three candidates found to be suitable for appointment.

(2) The list prepared under clause (1) shall also contain particulars regarding the date of birth, academic qualifications and shall be signed by all the members of the Selection Committee.

(3) The Selection Committee shall as soon as possible forward such list, together with the minutes of the proceedings of the Committee to the Management.

(4) The Manager shall, within one week from date of receipt of the papers under clause (3), send a copy of the list to the District Basic Education Officer.

(5) (i) If the District Basic Education Officer is satisfied that-

(a) the candidates recommended by the Selection Committee possess the minimum qualifications prescribed for the post;

(b) the procedure laid down in these rules for the selection of Ministerial staff and Group 'D' employees, as the case may be, has been followed, he shall accord approval to the recommendations made by the Selection Committee and shall communicate his decision to the management within two weeks from the date of receipt of the papers under clause (4).

(ii) If the District Basic Education Officer is not satisfied as aforesaid, he shall return the papers to the Management with the direction that the matter shall be reconsidered by the Selection Committee.

(iii) If the District Basic Education Officer does not communicate his decision within one month from the date of receipt of the papers under clause (4), he shall be deemed to have accorded approval to the recommendations made by the Selection Committee.

**16. Appointment- Appointment by the Management.**-(1) On receipt of communication of approval or as the case may be, on the expiry of the period of one month under clause (iii) of sub-rule (5) of Rule 15, the management shall first offer appointment to the candidate given the first preference by the Selection Committee and, on his failure to join the post, to the candidate next to him in the list prepared by the Selection Committee and on the failure of such candidate also, to the last candidate mentioned in such list.

(2) (a) The appointment letter shall be sent under the signature of the Manager by registered post to the selected candidate.

(b) The appointment letter shall clearly specify the name of post, the pay scale and the nature of appointment, whether permanent or temporary, and shall also specify that if the candidate does not join within 15 days from the date of receipt of the appointment letter, his appointment shall be cancelled.

(c) A copy of the appointment letter shall also be sent to the District Basic Education Officer.”

The contention of learned counsel for the petitioners is that the appointments of teachers/non-teaching staff was made long time back and as each of these appointments were approved by the District Basic Education Officer as required under the 1978 Rules and the 1984 Rules it cannot be said that they were not regular teaching/non-teaching staff in the Schools. Learned counsel pointed out with respect to Rule 10(5) of the 1978 Rules and Rule 15(5) of the 1984 Rules that it is only when the District Basic Education Officer is satisfied that the candidates recommended by the Selection Committee possess the minimum qualifications prescribed for the post and the procedure laid down in the Rules for selection has been followed that he shall accord approval to the recommendations made by the



Selection Committee and, therefore, it cannot be said that such teaching/non-teaching staff do not possess the minimum qualification or that the procedure prescribed has not been followed. Learned counsel for the petitioners also submitted that even if the appointment was made prior to the grant of approval or deemed approval, it would not be illegal and would become effective from the date of approval or deemed approval as was held by the Division Benches of the Court in **Lalit Mohan Mishra Vs. District Inspector of Schools, 1979 ACJ 1025** and in **Ashika Prasad Shukla, Vs. District Inspector of Schools, Allahabad & Anr. (1998) 3 UPLBEC 1722** and the decision of a learned Judge of this Court rendered in **Civil Misc. Writ Petition No.13572 of 2003 (Chandra Mohan Pandey Vs. District Inspector of Schools, Deoria & Ors.,)** decided on 23<sup>rd</sup> August, 2005. Learned counsel also placed reliance upon the decision of the Supreme Court in **Kunda Motiram Bodalkar Vs. Swami Vivekanand Shikshan Sanstha & Ors., (2010) 6 SCC 712.**

Learned counsel for the petitioners also submitted that even if there was some defect in the appointment of certain teaching/non-teaching staff, then too it could not have been made a ground for not bringing the Schools on the grant-in-aid list as such defect in appointments could have been dealt with separately.

Learned counsel for the respondents, however, submitted that the appointment letters could have been issued under the relevant Rules only after the approval was granted by the District Basic Education Officer and, therefore, the appointments cannot be said to be valid as the appointment orders were issued prior to the grant of approval. Learned counsel, therefore, submitted that clause (6) contained in paragraph 2 of the Government Order dated 7<sup>th</sup> September, 2006 is not satisfied and the application filed by the Schools for bringing the Schools on the grant-in-aid list of the State Government have rightly been rejected.

I have considered the submissions advanced by learned counsel for the parties.

The orders declining to bring the Schools on the grant-in-aid list allege contravention of clause (6) contained in paragraph 2 of the

Government Order dated 7<sup>th</sup> September, 2006. This, as noticed hereinabove, provides that approved and regular teaching/non-teaching staff should be working against the sanctioned posts on the date the application for bringing the Schools on the grant-in-aid list is submitted by the School to the District Basic Education Officer. It is not in dispute that the District Basic Education Officer had granted approval to the appointment of teaching/non-teaching staff, but what is contended is that the appointments were made prior to the grant of approval by the District Basic Education Officer.

What needs to be noticed is that Rule 11 of the 1978 Rules and Rule 16 of the 1984 Rules merely stipulate that the Management shall offer appointment to the candidate on receipt of a communication of approval from the District Basic Education Officer or when approval shall be deemed to have been granted in a case where no communication is received within one month.

It is seen that both under the 1978 Rules and the 1984 Rules, the Selection Committee has to forward the list of three candidates with the minutes of the proceedings to the Committee of Management of the School which has to forward it to the District Basic Education Officer with the necessary papers and if the District Basic Education Officer is satisfied that the candidates possess the minimum qualifications and that the procedure laid down in the Rules for selection has been followed, he shall communicate his decision to the Management within two weeks from the date of receipt of the papers but if he is not satisfied, he shall return the papers to the Management. It is also provided that if the District Basic Education Officer does not communicate his decision within one month from the date of receipt of the papers, he shall be deemed to have accorded approval to the recommendations made by the Selection Committee.

The appointments of the teaching/non-teaching staff were made long back as will be apparent from what is stated in the writ petitions and the impugned orders. The appointments in Writ Petition No.59940 of 2010 relate from 1989 to 2004; the appointments in Writ Petition No.24703 of 2011 relate from 1979 to 1980; the appointments in Writ Petition No.48835 of 2011 relate from 1982 to 1992; the appointments in Writ Petition

No.62412 of 2010 relate from 1973 to 1993; the appointments in Writ Petition No.27126 of 2011 relate from 1984 to 1987 and the appointments in Writ Petition No.24704 of 2011 relate from 1976 to 1990. It, therefore, transpires that some of the appointments of the teaching staff were made prior to 1978 and of the non-teaching staff prior to 1984 when the Rules had not been framed but what is important is that the District Basic Education Officer had granted approval to all these appointments. This implies that the candidates possess the minimum qualifications prescribed for the post and the procedure laid down in the Rules for selection has also been followed. It is also important to note that the approval granted by the District Basic Education Officer to these appointments has not been cancelled so far.

A Division Bench of the Court in **Ashika Prasad Shukla (supra)** examined the nature of such appointments made prior to the grant of approval by the Competent Authority and after placing reliance on the earlier Division Bench judgment of the Court in **Lalit Mohan Mishra (supra)** observed:-

“16. Paragraph 2(3)(iv) of the Second Removal of Difficulties Order is not phrased in a prohibitory language as was the language used in Section 16-F(1) of the U.P. Intermediate Education Act, 1921. The words 'prior approval' have been used in sub-clause (ii) of paragraph 2(3) of the Second Removal of Difficulties Order and a conjoint reading of sub-clauses (ii), (iii), and (iv) of clause (3) of paragraph 2, no doubt, leads to an inescapable conclusion that the appointment would be issued under the signature of the Manager only on the approval having been communicated by the District Inspector of Schools within seven days of the receipt of the papers or where the approval is deemed to have been accorded as visualised by sub-clause (iii) of clause (3) of paragraph 2 of the Second Removal of Difficulties Order. **However, appointment if made prior to approval or deemed approval, would become effective from the date of approval of deemed approval as held by the Division Bench of this Court in Lalit Mohan Mishra.** There is nothing on the record to connote that pre-requisite conditions attracting deemed approval were not satisfied in the instant case. The learned Single Judge has also not addressed himself to this facts of the matter and the judgment under appeal on this score too cannot be sustained.”

(emphasis supplied)

A learned Judge of this Court in **Chandra Mohan Pandey (supra)**, also, after placing reliance on the aforesaid Division Bench judgment of this Court in **Ashika Prasad Shukla (supra)**, observed as follows:-

“Similar view was again held by a Division Bench of this Court in Special Appeal No.319 of 2005 in Smt. Shobha Rastogi vs. The Committee of Management and others, decided on 22.3.2005. From the aforesaid judgments, the conclusion arrived is that the appointment could be issued by the Manager only on the approval communicated by the District Inspector of Schools within seven days of the receipt of the papers or where the approval was deemed to have been accorded as visualized by sub clause (iii) of clause (3) of Paragraph 2 of the Second Removal of Difficulties Order. Further, any appointment made prior to the approval or deemed approval would become effective only from the date of approval or deemed approval and that the appointment made prior to the approval or deemed approval would not be held to be illegal. In view of the aforesaid, the authority was not justified in rejecting the case of the petitioner on this ground.”  
(emphasis supplied)

Thus, in view of the aforesaid decisions, it cannot be said that the appointment of the teaching/non-teaching staff was not regular because even if the appointments were made prior to the approval of the District Basic Education Officer, they would become effective from the date of approval or deemed approval.

In **Kunda Motiram Bodalkar (supra)** the Supreme Court also observed that the appointment of a Headmistress made in 2004 in a recognized Secondary School could not have been cancelled merely for the reason that prior permission from the Competent Authority had not been obtained.

The relevant observations are as follows:-

“The dispute in this case relates to the appointment of the Headmistress of Sant Shivram Maharaj Madhyamik Vidyalaya, Bhandara, which is a recognised secondary school run by Swami Vivekanand Shikshan Sanstha, Respondent 1. The appellant was appointed as Headmistress of the school by Respondent 6 in the year 2004. **Admittedly, prior permission for her appointment was not obtained from the competent authority and that alone is the reason for which the High Court found the appointment illegal and struck it down.**

It is undeniable that the appointment of the appellant as the Headmistress was made on the basis of an advertisement. It is also clear that at that time no other teacher in the school was

eligible to be appointed as Headmistress. **It is also not denied that later on the appellant's appointment was approved by the competent authority. We were also told that since her appointment the appellant is working as the Headmistress in the school.**

The learned counsel appearing for the State admitted that apart from the fact that there was no prior permission for the appointment, there is no other irregularity in the appellant's appointment as Headmistress.

**In those facts, we are of the view that the High Court was in error in interfering in the matter and setting aside the appellant's appointment. We, accordingly, set aside the High Court order and confirm the appellant's appointment to the post of Headmistress."**

(emphasis supplied)

It is, therefore, not possible to sustain the orders passed by the State Government with respect to the claim of the Schools falling in the First Category Writ Petitions and a direction needs to be issued to pass fresh orders in the light of the observations made above.

With respect to the Second Category Petitions, learned counsel for the petitioners have vehemently urged that not only are the reasons mentioned in the impugned orders not valid reasons but the orders have also been passed in utter violation of the principles of natural justice as no opportunity was provided to the petitioners to explain the alleged deficiencies.

This factual position has not been denied by the respondents. It was imperative for the respondents to have given opportunity to the Schools to explain their position with regard to the defects before rejecting their applications for bringing the Schools on the grant-in-aid list of the State Government under the Government Order dated 7<sup>th</sup> September, 2006. The orders impugned in these set of petitions are, therefore, liable to be set aside for the sole reason that opportunity was not provided to the petitioners. Thus, the orders impugned in the Second Category petitions are also liable to be set aside.

Thus, for all the aforesaid reasons, the writ petitions falling in the First Category namely Writ Petition No.59940 of 2010 (Committee of Management, Shivdei Balika Junior High School, Bisalpur, Pilibhit, & Anr. Vs. State of U.P. & Ors.), Writ Petition No. 24703 of 2011 (Committee of Management Mata Tapeswari Saraswati Vidya Mandir Uchchattar

Madhyamik Vidyalaya, Mardah, Ghazipur Vs. State of U.P. & Ors.), Writ Petition No.48835 of 2011 (Committee of Management Janhit Madhyamik Vidyalay Macha, Kanpur Dehat Vs. State of U.P. & Ors.), Writ Petition No.62412 of 2010 (Committee of Management, Sarwajanik Junior High School, Sargaon Bujurg, Kanpur Dehat Vs. State of U.P. & Ors.), Writ Petition No.27126 of 2011 (The Committee of Management, Hanuman Prasad Poddar, Purva Madhyamik Vidyalaya Vs. The State of U.P. & Ors.) and Writ Petition No.24704 of 2011 (Committee of Management, Sarvodaya Inter College, Sayar Vs. State of U.P. & Ors.) are allowed and the State Government is directed to pass appropriate orders in the light of what has been stated above.

The Writ Petitions falling in the Second Category namely Writ Petition No.21521 of 2011 (Committee of Management, Dharma Devi Shiksha Sansthan, Purva Madhyamik Vidyalaya, & Anr. Vs. State of U.P. & Ors.), Writ Petition No.27533 of 2011 (Committee of Management, Al Amin Abdullah Inter College, Hasanpur, district J.P. Nagar & Anr. Vs. Shri Rahat Karim Khan Vs. State of U.P. & Ors.), Writ Petition No.20560 of 2011 (The Committee of Management, Babu Smarak Laghu Madhyamik Vidyalaya, Vs. The State of U.P. & Ors.), Writ Petition No.24707 of 2011 (Committee of Management Pandit Madan Mohan Malviya Inter College, Vs. State of U.P. & Ors.), Writ Petition No.24705 of 2011 (Committee of Management, Kisan Inter College, Mudiyaari Vs. State of U.P. & Ors.) and Writ Petition No.24611 of 2009 (Committee of Management, Yogi Raj Shri Krishna Purva Madhyamik Vidyalaya, & Ors. Vs. State of U.P. & Ors.) are also allowed and the orders impugned in these petitions are set aside. The State Government shall now pass fresh orders on the applications submitted by these Schools for bringing them in the grant-in-aid list in accordance with the Government Order dated 7<sup>th</sup> September, 2006 after providing adequate opportunity to the petitioners.

***Date: 27.08.2013***

***NSC***