

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE/ORIGINAL JURISDICTION

CIVIL APPEAL NO.2329 OF 2010

STATE OF MADHYA PRADESH AND ORS. . . . APPELLANT(S)

VERSUS

RAMBABU TYAGI & ORS. . . .RESPONDENT(S)

WITH

CIVIL APPEAL NO.2330 OF 2010

CIVIL APPEAL NO.2331 OF 2010

CIVIL APPEAL NO.2332 OF 2010

CIVIL APPEAL NO.2333 OF 2010

CIVIL APPEAL NO.2334 OF 2010

CIVIL APPEAL NO.2371 OF 2010

CIVIL APPEAL NO.2372 OF 2010

CIVIL APPEAL NO.2373 OF 2010

CIVIL APPEAL NO.2374 OF 2010

CIVIL APPEAL NO.2375 OF 2010

CIVIL APPEAL NO.2376 OF 2010

WITH

CONTEMPT PETITION (C) NO.185 OF 2010  
(Civil Appeal No.2329 OF 2010)

CONTEMPT PETITION (C) NO.186 OF 2010  
(Civil Appeal No.2376 OF 2010)

CONTEMPT PETITION (C) NO.187 OF 2010  
(Civil Appeal No.2372 OF 2010)

CONTEMPT PETITION (C) NO.188 OF 2010  
(Civil Appeal No.2373 OF 2010)

CONTEMPT PETITION (C) NO.189 OF 2010  
(Civil Appeal No.2374 OF 2010)

CONTEMPT PETITION (C) NO.190 OF 2010  
(Civil Appeal No.2331 OF 2010)

CONTEMPT PETITION (C) NO.191 OF 2010  
(Civil Appeal No.2332 OF 2010)

AND  
WITH

CONTEMPT PETITION (C) NO.192 OF 2010  
(Civil Appeal No.2334 OF 2010)

O R D E R

1. These appeals are directed against the judgment(s) and order(s) passed by the High Court of Madhya Pradesh in Writ Appeal No.188 of 2007, dated 05.08.2007, whereby and whereunder the High Court of Madhya Pradesh referring to the judgment and order passed in Writ Appeal No.534 of 2007 in the case of *State of M.P vs. Adarsh Kisan Higher Secondary School & Ors.*, dated 05.08.2008, dismissed the appeal of the appellants.

2. Brief facts of the case are: the State Government had framed a policy dated 21.03.2002, whereby the earlier policy framed by the State Government dated 07.06.1996 was repealed and fresh norms were fixed for taking over of the educational institutions run by the private institutions. On the basis of the said policy, it was decided by the State Government to take over 53 private institutions by its order dated 22.03.2002. The State Government cancelled the earlier order taking over 53 schools by its order dated 06.07.2002. The said order was challenged by the respondents by filing writ petitions and the same was allowed.

Aggrieved by the said order the State had preferred the appeals and by the impugned judgment and order the same are dismissed.

3. The Counsel of the appellants contended before the High Court that since the schools were taken over without following the due procedure as laid down in the policy, the order taking over the schools was cancelled. He further contended that the necessary Screening Committee was not constituted and the teachers in the said schools were not eligible for continuing their posts. It was also contended that due to the reason of the financial burden on the State Government, the order taking over the schools was cancelled.

4. The High Court upheld the direction given by the Writ Court, wherein the Writ Court had granted the liberty to the State Government to constitute a Screening Committee and absorb the teachers and members of the institutions, who are eligible for their respective posts. It was also directed that till the Screening Committee is constituted, the teachers be continued so that neither the teachers nor the students of the institutions suffer. With respect to the issue of financial burden, the High Court held that while taking over the institutes, entire property of the institutions including land, building, infrastructure etc. have vested in the State Government. Further the fees received from the students will also mitigate the financial burden. The High Court also observed that imparting education is a constitutional mandate to the State Government. The High Court

thus dismissed the writ appeals of the appellants with the aforesaid observations.

5. Aggrieved by the order so passed by the High Court, the appellants are before us in these appeals.

6. The counsel for the appellants would contend that the High Court has erred in issuing direction to the State Government to absorb the staff members and the teachers of the schools since there is no resolution of the Society and no examination by the Directorate of Public Instructions. The counsel would further submit that as per the policy the schools can only be taken over if the due procedure as laid down in the policy is followed.

7. We have heard learned counsel for the parties to the *lis* and perused the records of the case. We do not see any infirmity in the judgment and order passed by the High Court.

8. Accordingly, the Civil Appeals are dismissed. No order as to costs.

9. In view of the order passed in the Civil Appeals, the Contempt Petitions need not be considered by us. Accordingly, the Contempt Petitions are also disposed of.

Ordered accordingly.

.....CJI.  
(H.L. DATTU)

.....J.  
(A.K. SIKRI)

.....J.  
(ARUN MISHRA)

NEW DELHI;  
FEBRUARY 25, 2015

ITEM NO.12

COURT NO.1

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2329/2010

STATE OF M.P. &amp; ORS.

Appellant(s)

VERSUS

RAMBABU TYAGI &amp; ORS.

Respondent(s)

WITH C.A. No. 2330/2010  
(With Office Report)C.A. No. 2331/2010  
(With Interim Relief and Office Report)C.A. No. 2332/2010  
(With Interim Relief and Office Report)C.A. No. 2333/2010  
(With Office Report)C.A. No. 2334/2010  
(With Office Report)C.A. No. 2371/2010  
(With Office Report)C.A. No. 2372/2010  
(With Office Report)C.A. No. 2373/2010  
(With Office Report)C.A. No. 2374/2010  
(With Office Report)C.A. No. 2375/2010  
(With Interim Relief and Office Report)C.A. No. 2376/2010  
(With Interim Relief and Office Report)

AND WITH CONMT.PET.(C) No. 185/2010 In C.A. No. 2329/2010

WITH

CONMT.PET.(C) No. 186/2010 In C.A. No. 2376/2010  
 CONMT.PET.(C) No. 187/2010 In C.A. No. 2372/2010  
 CONMT.PET.(C) No. 188/2010 In C.A. No. 2373/2010  
 CONMT.PET.(C) No. 189/2010 In C.A. No. 2374/2010  
 CONMT.PET.(C) No. 190/2010 In C.A. No. 2331/2010  
 CONMT.PET.(C) No. 191/2010 In C.A. No. 2332/2010  
 CONMT.PET.(C) No. 192/2010 In C.A. No. 2334/2010  
 (With exemption from filing O.T.)

Date : 25/02/2015 These appeals/petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
 HON'BLE MR. JUSTICE A.K. SIKRI  
 HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. C. D. Singh, Adv.  
 Mr. Ardhendumauli Kr. Prasad, Adv.  
 Mr. Aviral Shukla, Adv.

Mr. Saurabh Mishra, Adv.

Mr. B. S. Banthia, Adv.

For Respondent(s) Mr. Kedar Nath Tripathy, Adv.

Mr. A.K. Chitale, Sr. Adv.

Mr. Niraj Sharma, Adv.

Mr. Sumit Kumar Sharma, Adv.

Mr. Mohan Pandey, Adv.

Mr. S.K. Jain, Sr. Adv.

Mr. Puneet Jain, Adv.

Mr. Abhinav Gupta, Adv.

For Ms. Pratibha Jain, Adv.

Mr. Mukesh K. Giri, Adv.

Mr. C. D. Singh, Adv.

Mr. Ardhendumauli Kr. Prasad, Adv.

Mr. Aviral Shukla, Adv.

MR. Shrinath Agrawal, Adv.

Mr. S. Chandra Shekhar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The Civil Appeals are dismissed with no order as to costs and the Contempt Petitions are disposed of, in terms of the signed order.

(G.V.Ramana)  
Court Master

(Signed order is placed on the file)

(Vinod Kulvi)  
Asstt.Registrar