

C.A.No. 27-30 OF 1999
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.27-30 OF 1999@@
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State of Karnataka .. Appellant

Vs.

B.R. Chowdappa & Ors. .. Respondents

WITH

C.A. No. 3780/1999, SLP(C) No.20373/2000

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A Writ petition was filed before the High Court under Article 226 of the Constitution of India seeking directions to the appellants to admit the respondents to the benefit of Grant-in-Aid and to pay the respondents salary grant from the date of their initial appointment. Learned Single Judge who examined the matter held that regardless of what order had been passed by the appellants, the respondents shall be entitled to the salaries payable to them in relation to the post held by them and the same shall be paid starting from the month of November 1994, the first payment to be made on or before 11.12.1994 and from month to month thereafter and gave certain other incidental reliefs.

Aggrieved by this order the appellants preferred an appeal to the Division Bench of the High Court. While

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dealing with this matter the Division Bench has proceeded to decide certain larger questions arising in the context of primary education. Apart from making sweeping observations, the High Court has given the following directions:

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(a) That the State may see the desirability of framing relevant Rules for the fees, donations and charges that could be levied and collected by the private educational institutions as provided under Section 145(2)(xxxviii) of the Education Act within a period of three months from now;

(b) The State shall accord permission for starting of new schools from the next academic year subject to fulfilment of the requirements in the Rules, Code and Education Act.

(c) The State shall reimburse the educational expenditure of the children upto the age of 14 years studying in private schools in order to fulfil the constitutional obligation under Article 45 of the constitution either to the parents directly if claimed by the or to the schools directly, in which event the concerned schools shall reimburse the amount to the parents.

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These reliefs were not sought for by any of the parties much less were there any pleadings in this regard. Such larger questions could not be decided except on appropriate pleadings and material and on deep examination of the facts arising in the matter.

In that view of the matter we set aside the order made by the High Court. However, the order made by the

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learned Single Judge remains undisturbed. The appeals stand allowed accordingly.

SLP(C) No. 20373/2000@@
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There is no merit in this petition, the Special leave petition shall stand dismissed accordingly.

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[S. RAJENDRA BABU]@@
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[SHIVARAJ V. PATIL] @@
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New Delhi,@@
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August 1, 2001.@@
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ITEM NO.122 COURT NO.7 SECTION IVA

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. 27-30/1999

State of Karanataka .. Appellant (s)

Vs.

B.R. Chowdappa & Ors. .. Respondent(s)
With

C.A. No. 3780/1999(With office report)
SLP(C) No.20373/2000(With appln. for c/delay in filing
SLP)

DATE : 1.8.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Appellant (s) : Mr. Sanjay R. Hegde, Adv.

Mr. N. Ganpathy, Adv.

For Respondent (s) : Ms. Kiran Suri, Adv.

Mr. Girish Ananthamurthy, Adv.

Mr. P.P. Singh, Adv.

UPON hearing counsel the Court made the following

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Appeals stand allowed in terms of the signed order.

There is no merit in the Special leave petition and
the same shall stand dismissed

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(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file