

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

Petition(s) for Special Leave to Appeal (Civil) No(s).17182/2005

(From the judgement and order dated 14/03/2005 in WA No.
5648/2003 of The HIGH COURT OF KARNATAKA AT BANGALORE)

BHARTIYA SAMSKRITHI VIDYA PEETA Petitioner(s)

VERSUS

STATE OF KARNATAKA & ANR. Respondent(s)

(With prayer for interim relief and office report)

Date: 19/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Ms. L. Mohini Bhat, Adv.
Mr. Naveen R. Nath, Adv.
Ms. Hetu Arora, Adv.

For Respondent(s) Mr. A.Rohan Singh, Adv.
Mr. Ramesh S. Jadhav, Av.
Mr. Vikrant Yadav, Adv.
Mr. Ramesh Mishra, Adv.
Mr. Sanjay R. Hegde, Adv.

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

Leave granted.

The appeal is dismissed in terms of the
signed order.

(Sonia)
Sr. P.A.

(M.S. Negi)
Court Master

(Signed order is placed on file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2010
(@ SLP(C) 17182/2005)

BHARTIYA SAMSKRITHI VIDYA PEETA Appellant

VERSUS

STATE OF KARNATAKA & ANR. Respondents

O R D E R

Leave granted. Heard the learned counsel.

The appellant is an educational institution which had been extended grant-in-aid by the State Government. The State Government received a complaint that appellant was charging fees from students even while receiving grant-in-aid. The department enquired into the matter and finding substance in the complaint, stopped the aid. A demand was also made by the Director of Public instruction upon the appellant to pay the sum of Rs. 4,10,500/- which had been collected as fees from the students.

Feeling aggrieved by the said demand, the appellant appealed to the Joint Director of Public Instructions. However, as there was no action, the appellant filed W.P. No.7181/1989 challenging the demand by the Deputy Director of Public Instructions and stoppage of aid, as also the non disposal of the appeal filed before the Joint Director. The said writ petition was disposed of on 8.8.1996 with a direction to the Joint Director to consider and pass appropriate orders

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in accordance with law and the grant-in-aid code.

Thereafter, the Joint Director made an order dated 28.8.1997 rejecting the claim of the appellant for back salary grant to teachers of I and II Standards as the records showed that it was collecting fees from students. In regard to the collection of fees from students, he held as follows :-

"It is proved that the management was collecting fee from students of I and II

standards. Hence the claim of the management for dropping the proposed recovery of the fee amount of Rs.4,10,500/- is rejected. The management is directed to remit the said amount to Government account."

The order dated 28.8.1997 was challenged in W.P. No.27969/1997. The said writ petition was disposed by order dated 27.10.1998. The order in W.P. No.27969/1997 was challenged in W.A. No.8137/1999 which was dismissed on the ground of delay. Thus, the rejection of the challenge to the demand for payment of Rs. 4,10,500/- attained finality.

The appellant sought to challenge the validity of the demand for payment of Rs. 4,10,500/- collaterally in a proceedings relating to a salary demand by one of the teachers, in a revision before the State Government.

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That was rejected on 8.2.2000. That order was challenged in WP No. 10572/2000 which was rejected by the learned single Judge by order dated 4.7.2003 and that decision was confirmed by the impugned order dated 14.3.2005 in W.A. No.5648/2003.

The appellant challenges the said order on the ground that the appellant never had an opportunity to meet the demand for Rs.4,10,500/- and that amount was claimed without any enquiry.

As noticed above, the demand was challenged in an appeal and that appeal having been rejected, the matter was taken up in a writ petition and writ appeal which were rejected and the matter attained finality on the dismissal of WA No. 8137/1999. The appellant,

obviously, cannot again raise the same issue
collaterally in some other proceedings. This appeal
is, therefore, dismissed.

.....J.

(R.V. RAVEENDRAN)

.....J.

(K.S. RADHAKRISHNAN)

NEW DELHI
FEBRUARY 19, 2010