

ITEM NO.102

COURT NO.13

SECTION III-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 283/2014

THE STATE OF UTTAR PRADESH & ORS.

Appellant(s)

VERSUS

SMT. SUSHILA SRIVASTAVA . & ORS.

Respondent(s)

IA No. 46295/2020 - EARLY HEARING APPLICATION

IA No. 71996/2016 - I A FOR INTERVENTION AND O T

IA No. 22718/2016 - IA FOR IMPLEADMENT & OT

Date : 26-07-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) Ms. Sansriti Pathak, Adv.
Mr. Krishnanand Pandeya, AOR

For Respondent(s) Mr. V K Shukla, Sr. Adv.
Mr. Abhishek Chaudhary, AOR
Mrs. Pooja Kabra, Adv.
Mr. Ayush Dubey, Adv.
Mr. Amit Singh, Adv.

Mr. Jitendra Kumar, AOR

Mr. Pankaj Singh, Adv.
Ms. Anamika Srivastav, Adv.
Ms. Ranjana Singh, Adv.
Mr. Shiv Kumar Yadav, Adv.
Mr. Ritik Verma, Adv.
Mr. Vivek Kumar Pandey, Adv.
Mr. Jainendra Kumar, Adv.
Mr. Aman Kumar, Adv.
Mr. Sanjay Kumar Dubey, AOR

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

By the impugned order dated 24.11.2009, the Division Bench of the High Court has affirmed the order passed by the learned Single Judge, by which it was held that the teachers employed in the

recognised basic schools are entitled to the same salary, allowances, benefits and facilities as are available to their counterparts in the primary schools run by Parishads. The teachers of the recognised basic schools cannot be discriminated in the matter of emoluments, facilities and other benefits. The learned Single Judge quashed the circular dated 29.03.1997. The said interpretation was made relying upon Rule 10 of The Uttar Pradesh Recognised Basic Schools (Recruitment and Conditions of Service of Teachers and Other Conditions) Rules, 1975.

Learned counsel for the appellants persuaded this Court that the grant-in-aid to recognised aided institution can be allowed to the extent as specified under Clause 308 of the Uttar Pradesh Education Code, which is reproduced as under :-

"308. The annual grant shall not exceed the difference between the approved annual cost of maintenance and the approved income of the institution from fees and private sources, or half the annual cost of maintenance, whichever is less."

Therefore, reserving liberty, it is urged that even after interpretation of Rule 10 at par, benefit may be allowed by the Government to the employees of the grant-in-aid recognised institution to such extent as specified in Clause 308 of the Education Code.

On being asked by the Court that even after commencement of the Rules of 1975, the Government is still paying the share of its liability in terms of Clause 308 of the Code or bearing the full liability of payment of salary and other service conditions of the employees of recognised aided institution in the State, on which learned counsel prays for time to seek instruction in this regard and to file relevant documents supported by an affidavit of the Secretary of the Department.

Let the needful be done within four weeks.

Re-list on 31.08.2023.

The respondents are also at liberty to file an affidavit and relevant documents, if any, which may be helpful to appreciate the issue involved in the case.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER