



2026:AHC:57931

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10576 of 2026

Committee Of Management, Shri Rajbansi Baba
Junior High School And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anand Kumar Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 37

HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard Shri Anand Kumar Pandey, learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

2. The present writ petition has been filed praying for a writ of mandamus commanding respondent no. 1 to include the institution on grant in aid list and provide the grant for payment of salary to its teachers and employees and further decide the representation dated 06.06.2016/01.05.2025.

3. Learned counsel for the petitioners submits that despite successive directions issued by this Court in terms of order dated 26.09.2013 passed in Writ-C No. 33570 of 2010 and then 19.05.2016 passed in Writ-C No. 23115 of 2016, respondents have not taken any decision and representations filed by the petitioners remain undecided.

4. Learned Standing Counsel has opposed the prayer made by contending that the present writ petition is not maintainable for implementation of orders passed in previous writ petitions and in case the directions issued earlier were not complied with, according to the petitioners, for one reason or the other, filing of third petition is not permissible.

5. I have considered the submissions made and have perused the material available on record.

6. It would be necessary to reproduce the aforesaid two orders dated 26.09.2013 passed in Writ-C No. 33570 of 2010 and then 19.05.2016 passed in Writ-C No. 23115 of 2016 as under:-

"The Committee of Management of Shri Rajbanshi Baba Junior High School, Binha, District Ballia and Dwarika Singh claiming himself to be the Manager have filed this petition for quashing the order dated 25th March, 2010 passed by the Regional Assistant Director of Education (Basic), Azamgarh Region, Azamgarh by which the application filed for bringing the School on the grant-in-aid has been rejected.

Three grounds have been taken in the impugned order for rejecting the application. The first ground is that appointments of teaching and non-teaching staff were made in contravention of the provisions of U.P. Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers) Rules, 1978 and U.P. Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Ministerial Staff and Group D Employees) Rules, 1984. The second ground is that there are more teachers working in the Institution than the sanctioned posts. The third ground is that no document has been produced by the College to show when six posts of Assistant Teachers had been created.

Learned counsel for the petitioner has submitted that the controversy involved in this petition is covered by the decision rendered by the Court on 27th August, 2013 in Writ Petition No.59940 of 2010 (Committee of Management, Shivdei Balika Junior High School, Bisalpur, Pilibhit & Anr. Vs. State of U.P. & Ors.) connected with eleven other writ petitions. According to him, the first ground falls in the first category of cases mentioned in the judgment, while the second and third grounds are covered by the second category of the cases mentioned in the judgment.

It needs to be noticed that the first category of writ petitions were allowed and the State Government was directed to pass a fresh order in the light of the observations made in the judgment. The second category of writ petitions were also allowed but with a direction to the State Government to pass a fresh order on the applications submitted by the School for bringing them on the grant-in-aid list in accordance with the Government Order dated 7th September, 2006 after providing adequate opportunity to the petitioners since no opportunity had been provided to the petitioners while rejecting the application for the reasons mentioned in the order.

In view of the reasons contained in the aforesaid judgment and order dated 27th August, 2013 passed in Writ Petition No.59940 of 2010, the impugned order dated 25th March, 2010 passed by the Regional Assistant Director of Education (Basic), Azamgarh Region, Azamgarh is set aside. It shall, however, be open to the State Government to pass a fresh order in connection with ground nos.2 and 3 referred to above after providing adequate opportunity to the petitioners. The State Government shall also pass a fresh order in connection with the first ground in the light of the observations made in the aforesaid judgment.

The writ petition is, accordingly, allowed to the extent indicated above.

Order Date :- 26.9.2013

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The petitioner Committee of Management preferred Writ 'C' No. 33570 of 2010 challenging order dated 25 March 2010 passed by the Regional Assistant Director of Education (Basic), Azamgarh Region, Azamgarh by which the application filed by the petitioners for taking the institution on the grant-in-aid list was rejected. The writ petition was allowed by this Court by order dated 26 September 2013 and the State Government was directed to pass a fresh order. The case of the petitioners is that in pursuance of the direction issued in the writ petition, a notice dated 21 January 2014 was issued to the Manager by the District Basic Education Officer, Ballia in response whereof the petitioners claim to have submitted a detailed reply. The grievance of the petitioners is that no decision has been taken by the State Government so far. The petitioners have prayed for issuance of a mandamus commanding the respondent No. 1 to decide the claim of the petitioners in relation to disbursement of grant-in-aid to the school.

The learned standing counsel very fairly submitted that in case, no decision has been taken so far, the first respondent will take decision on the claim of the petitioners within such time, as may be directed by this Court.

Accordingly, this writ petition is disposed of with direction to the first respondent to take final decision in the matter, if not already taken, in pursuance of the direction issued by this Court on 26 September 2013 in Writ 'C' No. 33570 of 2010, within a period of three months from the date of communication of this order.

Order Date :- 19.5.2016"

7. A perusal of the aforesaid orders indicates that at a point of time in the year 2010, the petitioners' claim for inclusion on grant in aid list was rejected by the State Government and though the said order was set aside on 26.09.2013, if the direction issued in the said order for reconsideration of the matter was not complied with, it was open for the petitioners to invoke the contempt jurisdiction of this Court within a period of one year from the date when the cause of action had arisen.

8. Learned counsel submits that no contempt application was filed, rather second petition filed was entertained and fresh directions were issued in 2016 to decide the matter in furtherance of previous order within a period of three months.

9. It is not in dispute that the order was served upon the respondents pursuant to the petitioners' application dated 06.06.2016 (Annexure-16 to the petition).

10. It appears that after sending the said letter in 2016, the petitioners did not proceed further and it is for the first time in year 2025, i.e., after a period of nine years, representation has been filed.

11. In the considered opinion of the Court, filing of successive writ petitions for same relief cannot be permitted.

12. Present being third writ petition for same cause of action, the same is not maintainable.

13. The writ petition is, accordingly, **dismissed**.

(Kshitij Shailendra,J.)

March 20, 2026

AKShukla/-