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S.K Varshney Vs. Principal, Our Lady of Fatima Higher Secondary School, Aligarh and Others, Jj.

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Court : Allahabad

Decided On : Sep-15-1999

Reported in : 1999(4)AWC3244

Judge : N.K. Mitra, C.J. and ;M. Katju, J.

Acts : Constitution of India - Articles 30, 30(1) and 226; Uttar Pradesh Intermediate Education Act, 1921 - Sections 16G

Appeal No. : Special Appeal No. 463 of 1999

Appellant : S.K Varshney

Respondent : Principal, Our Lady of Fatima Higher Secondary School, Aligarh and Others, Jj.

Advocate for Pet/Ap. : S.F.A. Naqvi, Adv.

Judgement :

N. K. Mitra C.J. and M. Katju, J.

1. This Special Appeal has beenfiled against the judgment passed by the learned single Judge dated 26.5.99.

2. We entirely agree with the learned single Judge who has held that the institution Our Lady of Fatima Higher Secondary School. Ramghat, Aligarh, is a private body and hence no writ lies against it. We are also of the opinion that no writ lies against the said institution because it is a minority institution and as held by the Supreme Court in Yunus Ali Shah v. Mohd. Abdul Kalam and others, JT 1999 (3) SC 32, it was not necessary to take prior approval of any authority before terminating the service of the appellant, in view of Article 30 of the Constitution. In Committee of Management v. Raj Kumar Shukla and others, Special Appeal No. 298 of 1999, decided by us on 15.9.99, we have held that in view of the aforesaid decision of the Supreme Court, the Full Bench decision of this Court in J. K. Kalra v. R. I. G. S.. 1996 (3) UPLBEC 169, is no longer good law.

3. Hence for both these reasons, this appeal is not maintainable.

4. The Appeal is dismissed.

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