

Hindu Inter College Vs. Prescribed Authority (Minimum Wages Act, 1948) and ors.

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Court : Allahabad

Decided On : Oct-14-2004

Reported in : [2005(104)FLR723]

Judge : M. Katju, A.C.J., ;Sunil Ambwani and ;K.N. Ojha, JJ.

Appellant : Hindu Inter College

Respondent : Prescribed Authority (Minimum Wages Act, 1948) and ors.

Advocate for Def. : Sri. K.P. Agarwal

Advocate for Pet/Ap. : Sri. P.K. Jain

Judgement :

M. Katju, A.C.J., Sunil Ambwani and K.N. Ojha, JJ.

1. Heard Sri P.K. Jain, learned Counsel for the petitioner and Sri K.P. Agarwal, learned Counsel for respondent No. 2.

2. This reference to the Full Bench has been made in view of the order of the learned Single Judge dated 27.4.2001 in which the learned Single Judge has noted the conflict of opinion of two Division Bench decisions of this Court.

3. The short question is whether a teacher in a private educational institution is governed by the Minimum Wages Act. This controversy is no longer res integra after the decision of the Supreme Court in Haryana Unrecognized Schools' Association v. State of Haryana : 1996 (73) FLR 1086 (SC).

4. Following the said decision we hold that the Minimum Wages Act does not apply to a teacher in a private educational institution. The petition is consequently allowed and the impugned orders dated 11.5.2000 and 30.5.2000 Annexures-7 and 9 to the writ petition are quashed.

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