

Satimbla Sharma v. St Paul's Senior Secondary School, (2011) 13 SCC 760

Constitution of India

Arts. 19(1)(g), 30, 14, 16, 12, Pts. III and IV and 39(d) - Unaided private educational institutions - Held, not subject to public law obligations of State under Art. 14 (Pt. III) and Art. 39(d) (Pt. IV), (2011) 13 SCC 760-A

Education and Universities

Employment and Service Matters

Unaided private educational institution - Equal pay for equal work - Claim for parity in pay with teachers in government and government aided schools - Right to equality enshrined in Arts. 14 and 39(d) of Constitution - Available against State only - It cannot be claimed against unaided private minority schools - Teachers of government schools are paid out of government funds and teachers of government-aided schools are paid mostly out of government funds - Teachers of private unaided schools are paid out of fees and other resources of private schools - Salary and allowances of teachers of a private unaided school is matter of contract between school and teacher - No relief can be given in absence of statutory provisions in favour of teachers in unaided private educational institution - Division Bench of High Court has thus, rightly held that teachers of private unaided schools had no right to claim salary equal to that of their counterparts working in government schools and government-aided schools - State of Himachal Pradesh, Respondent 3, however should consider making rules under S. 23 r/w S. 38(2)(l) of 2009 Act prescribing salary and allowances of teachers keeping in mind Art. 39(d) of Constitution as early as possible, (2011) 13 SCC 760-B

Constitution of India

Art. 226 - Writ petition - Mandamus - Non-maintainability against purely private parties - Petition to enforce parity in employment - Maintainability of - Unaided private educational institution - Salary and allowances of teachers of a private unaided school is not within domain of public law - It is a matter of contract between school and teacher - Held, Court cannot issue a mandamus to a private unaided school to pay salary and allowances equal to salary and allowances payable to teachers of government schools or government-aided schools - Nor was there any statutory provision requiring a private unaided school to pay to its teachers the same salary and allowances as were payable to teachers of government schools - Thus, in absence of statutory provision no mandamus could be issued either, (2011) 13 SCC 760-C

Constitution of India

Art. 226 - Mandamus - Duties/obligations - That may be enforced - Held, duties/obligations contained only in statutory provisions or executive instructions alone can be enforced by issuing mandamus - Hence conditions for affiliation of unaided private educational institution imposed by a private certificate examination body or contained in Education Commission Report are not enforceable, (2011) 13 SCC 760-D