

**(2012) 12 AHC CK 0198**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 62597 of 2012

Abhinav Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

---

**Date of Decision :** 04-12-2012

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2013) 2 AWC 1619 : (2013) 1 UPLBEC 190

**Hon'ble Judges :** Arun Tandon, J

**Bench :** Single Bench

**Advocate :** Sanjay K. Singh, for the Appellant;

**Final Decision :** Dismissed

---

## **Judgement**

Arun Tandon, J.—Heard learned Counsel for the petitioner and learned Standing Counsel for the State-respondents. Petitioner, before this Court, has been admitted to B.A. Three Years" Degree Course in the academic session 2012-2013 in Teelak Dhari Post Graduate College, Jaunpur. The said institution is affiliated to Veer Bahadur Singh Purvanchal University, Jaunpur.

2. Petitioner seeks quashing of the condition mentioned in rules framed by the Principal of the college in respect of eligibility of students, who can contest the students" union elections.

3. According to the petitioner, the condition that no candidate, who is a student of first year at the graduate level will be entitled to contest the elections, is bad. It is stated that the condition takes away the right of validly admitted students from contesting the students union elections. It is arbitrary and unjustified. It is further stated that under the Lyngdoh Committee Report which has been approved by the Apex Court in the case of University of Kerala Vs. Council, Principals", Colleges, Kerala and Others, , there is no such prohibition and therefore, the condition incorporated by the Principal of the college is in teeth of the Lyngdoh Committee Report and is liable to be set aside accordingly.

4. I have considered the submission made by the learned Counsel for the petitioner and have examined the records of the present writ petition.

5. It is not in dispute that the right to contest the elections is only a statutory right and not a fundamental right. The eligibility to participate as a candidate in the union elections is regulated by statutes/provisions enforced. It is further not in dispute that the principal of the degree college has the competence to lay down the norms in respect of the students who can be the candidates in the union elections. Competence of the principal in that regard is not under challenge in the present writ petition.

6. The plea raised on behalf of the petitioner does not appeal to the Court. Students admitted to first year of course enter the college premises for the first time and they have still to learn many aspects pertaining to the college life. They form a class in themselves. If the principal of the college decides that such students may only exercise the right of vote and may not be the candidates in the students union elections, it cannot be said that such decision of the principal is arbitrary in any manner, so as to warrant any interference under Article 226 of the Constitution of India.

7. So far as the recommendations of Lyngdoh Committee Report are concerned, they are only recommendatory in nature and prevail, so long as the rules are not framed by the authority, who has to be competent to regulate eligibility conditions.

8. However, since in the facts of the case, principal has already notified the eligibility condition for contesting the union elections and there being no violation of Lyngdoh committee Report in that regard, this Court finds no good ground to interfere with such decision of the principal of the college. The present writ petition lacks merit and is accordingly dismissed.