
(2021) 01 UK CK 0046
In the Uttarakhand High Court
Case No : Writ Petition (M/S) No. 31 Of 2021

Alam Singh Rawat

APPELLANT

Vs

Additional Director Of Education, Garhwal Mandal & Others

RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

Uttarakhand School Education Act, 2006 — Section 34(4)

Citation : (2021) 01 UK CK 0046

Hon'ble Judges : Manoj K. Tiwari, J

Bench : Single Bench

Advocate : B.D. Upadhyaya, I.P. Kohli

Final Decision : Disposed Of

Judgement

Manoj K. Tiwari, J

1. According to the petitioner, he is a Member of General Body of a Society, which runs a Government Aided Inter College, namely, Inter College

Kimsar, Pauri Garhwal.

2. Grievance of the petitioner is that last election to constitute Committee of Management was held in the year 2010 and term of elected Committee of

Management expired in 2013 and no elections were held thereafter. Presently an Authorized Controller appointed by respondent no.1 is looking after

the affairs of the Inter College.

3. By means of this writ petition, petitioner has sought following relief:-

I. a writ, order or direction in the nature of mandamus directing the respondent No. 3 to issue an advertisement for inducting members of the general

body of the society of the institution and accordingly, hold election of the Committee of Management of Inter College Kimsar, District Pauri Garhwal in

accordance with law forthwith.

4. Section 34(4) of Uttarakhand School Education Act, 2006 provides for appointment of Authorized Controller and proviso to Section 34(4) provides

that Authorized Controller shall not continue for a period exceeding five years in a school. The second proviso to Section 34(4) of the Act, however, is

an exception to the provision contained in the first proviso and it provides that in exceptional circumstances, the Authorized Controller may continue to

function even after period of five years.

5. Undisputedly, Inter College Kimsar is a private educational institution, which is run by a society. According to the Scheme of Administration and

byelaws of the society, the college is to be managed by an elected Managing Committee, whose term would be three years.

6. In the present case, last election was held in the year 2010 and thereafter no election has been held. Such state of affairs is against the byelaws of

the society and duly approved Scheme of Administration of the college.

7. Thus it is in the interest of all concerned that elections to constitute Management Committee are held at the earliest.

8. Holding elections at regular intervals is mandated by law, to ensure that democratically elected Management Committee looks after the affairs of

the college.

9. Having regard to the facts and circumstances of the case, the writ petition is disposed of with the following directions to ensure that the duly elected

Management Committee is put in place at the earliest:-

(i) Authorized Controller shall get advertisement published in two newspapers for inviting applications from eligible persons for induction as member of

the society within two weeks.

(ii) Competent Authority shall thereafter prepare a voter list within next three weeks.

(iii) Competent Authority shall fix a date for election at the earliest, but not later than two weeks from the date of preparation of voter list.

(iv) Authorized Controller shall handover charge to the newly elected Managing Committee, within seven days from the date of declaration of result of

election.

10. For a period of three months or till election of new Committee of

Management, whichever is earlier, selection process, pursuant to the advertisement dated 02.11.2020 may continue, but appointment shall not be made.

11. Let certified copy of this order be supplied to the parties within 24 hours.