

(2011) 02 AHC CK 0151
In the Allahabad High Court
Case No : Special Appeal No. 247 of 2011

Balram Singh and Another

APPELLANT

Vs

C/M, Harjinder Nagar Inter College and Others

RESPONDENT

Date of Decision : 21-02-2011

Acts Referred:

Citation : (2011) 02 AHC CK 0151

Hon'ble Judges : R.K. Agrawal, J;Kashi Nath Pandey, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The present special appeal has been filed against the judgment and order dated 17th January, 2011 passed by the learned Single Judge wherein the writ petition preferred by the Committee of Management, Harjinder Nagar Inter College, Harinder Nagar, Kanpur and Sardar Prakash Singh has been disposed of with the direction to the Regional Level Committee to decide the dispute within a time bound period after giving opportunity of hearing to all concerned.

2. We have heard Sri Irshad Ali, learned Counsel for the Appellant, learned Standing Counsel, who represents the State Respondents and Sri Ashok Khare, learned Senior Counsel, assisted by Sri Siddharth Khare on behalf of the contesting Respondents and have perused the impugned judgment and order dated 17th January, 2011 giving rise to the present appeal, the grounds taken in the memo of appeal and the documents filed along with it.

3. Sri Irshad Ali submitted that as the electoral college has not been determined by the District Inspector of Schools in compliance of the order dated 6th February, 2009 passed by this Court in the earlier round of proceedings the entire election was liable to be annulled and no fruitful purpose would be served by referring the matter to the Regional Level Committee. He submitted that in Writ-C No. 2753 of 2011, this Court vide order dated 20th January, 2011 had annulled the election held on 28.11.2010 and had directed the District Inspector

of Schools to first determine the electoral college to hold election in accordance with law. He, thus, submitted that the order directing the Regional Level Committee to decide the matter should be vacated.

4. Vide order of date passed in Special Appeal No. 223 of 2011 preferred by the Committee of Management, Harjinder Nagar Inter College, Harjinder Nagar, Kanpur the order dated 20th January, 2011 passed by the learned Single Judge has been upheld and a direction has been issued to the District Inspector of Schools to first determine the electoral college and thereafter to hold fresh election stands.

5. In this view of the matter, the order dated 17th January, 2011 passed by the learned Single Judge is set aside. The appeal stands allowed. The writ petition also stands disposed of.