
(2004) 01 AHC CK 0172
In the Allahabad High Court
Case No : Writ Petition No.3453 (M/S) of 2003

Bechu Singh and Another	Vs	APPELLANT
State of U.P.and Others		RESPONDENT

Date of Decision : 07-01-2004

Acts Referred:

Constitution of India, 1950 — Article 226
Uttar Pradesh Intermediate Education Act, 1921 — Section 16A(7)

Citation : (2004) 01 AHC CK 0172

Hon'ble Judges : N.K.Mehrotra, J

Final Decision : Allowed

Judgement

N.K. Mehrotra, J.

1. This is a writ petition under Article 226 of the Constitution of India for issuing a writ of certiorari to quash the resolution dated 10.9.2003 passed by the opposite party No.2 as contained in Annexure1 to the writ petition and consequential order passed by the opposite party No.3 implementing the impugned resolution dated 10.9.2003 and further for a writ of mandamus restraining the opposite parties 1 to 3 from treating the opposite party No.4 Shri Mitra Sen Yadav as Manager of the Committee of Management of Kisan High School, Bankata District Faizabad during the pendency of the writ petition No.1409 (M/S) of 2003.

2. Both the parties have exchanged their affidavits, counter affidavits and rejoinders affidavits at the admission stage.

3. Kisan Vidyalaya Bankata, Faizabad is a society registered under the Societies Registration Act and it runs and manages a school in the name of Kisan High School, Bankata, Faizabad. The byelaws of the society are Annexure2 to the writ petition and the approved Scheme of Administration of Kisan High School, Bankata, Faizabad under Section 16A of the U.P. Intermediate Education Act (hereinafter referred to as the "Act") is Annexure3 to the writ petition. It is provided in the byelaws of the society that the general body of persons

comprising the total member of the associations shall be called General Body. The managing committee shall be elected by the general body and it shall carry on the administration. One of the business of the general body is to elect the persons to constitute the managing committee for itself and for each institution run by it. There was a dispute between the two rival Committees of Management of the society i.e. Kisan Vidyalaya Bankata, Faizabad and both the committees were claiming to have been elected. Therefore, the Deputy Registrar, Firms, Societies and Chits, Faizabad, the prescribed authority under Section 25(1) of the Societies Registration Act held that none of the two rival Committees of Management claiming to have been elected with the petitioner No.1 Bechhu Singh as Manager and the other with the opposite party No.4 Mitra Sen Yadav as manager is the validly elected Committee of Management and both were declared illegal with direction that there was no Committee of Management nor any office bearer of the Committee of Management in the society.

4. Opposite party No.4 Shri Mitra Sen Yadav challenged this order of the Deputy Registrar, Firms, Societies and Chits dated 9.1.2002 in writ petition No.264 (M/S) of 2002. This writ petition was disposed of by this Court with a direction to the Registrar, Firms, Societies and Chits to hold the election of the committee of management of the petitioners' society within three months from the date the certified copy of the order was produced. It was also directed that the affairs of the Committee of Management of the College shall be looked into by the DIGS, Faizabad till the holding of the election of the Registrar. This judgment was given on 16.3.2002. The DIGS took over the management and started functioning as management as per order of this Court in writ petition No.264 (M/S) of 2002.

5. On 24.4.2003, the Registrar, Firms, Societies and Chits passed an order Annexure11 to the petition by holding that a list of 55 persons as members of the general body was available in the file of the Registrar and by issuing this list, objections were invited from the persons who might be claimed to be left out till 24.4.2003. The petitioners claimed this list of 55 persons as genuine list of the members of the general body of the society. The opposite party No.4 Sri Mitra Sen Yadav filed a list of 75 persons claiming to be the members of the general body. An objection was also filed by the petitioner No.1 Bechhu Singh to the effect that Shri Mitra Sen Yadav being a convict under Section 302 IPC, was not eligible for contesting as member and office bearer of the Committee of Management. The Registrar determined 26 persons as members of the general body stating those 26 persons were undisputed and common to both the lists submitted by the petitioner No.1 and opposite party No.4. After that the Registrar, also circulated election programme fixing 16.5.2003 as the date of election. At this the petitioners filed writ petition No. 1409 (M/S) of 2003 before this Court challenging the order dated 24.4.2003 passed by the Registrar on the ground that the order of the Registrar suffers from perversity and it was quite arbitrary. This Court admitted the writ petition on 2.5.2003 but rejected the application for interim relief as per order contained in Annexure12, The petitioners filed Special Appeal No.206 of 2003 against the order dated 2.5.2003

passed by the Single Judge rejecting the application for interim relief. The Division Bench disposed of the appeal directing that the election scheduled on 16.5.2003 be held and the result be declared but no effect to the same be given until further orders of this Court or till disposal of the writ application whichever was earlier. It is alleged that the opposite party No.4 Shri Mitra Sen Yadav wrote a letter to the DIOS stating that the High Court has passed an order in writ petition No.264 (M/S) of 20,02 directing the DIOS to work as management till the holding of the election of the Committee of Management of the society by the Registrar and the Registrar has got held the election on 16.5.2003 and the result was also declared and therefore, the election for constituting the Committee of Management be got held. The DIOS in response to the letter dated 23.7.2003 written by the opposite party No.4 wrote letter Annexure14 that no evidence was enclosed alongwith his letter dated 23.7.2003 in support of the holding of the election on 16.5.2003 and the certified copy of the result of the election be made available but later the DIOS issued a letter appointing. Observer for supervising the election of the Committee of Management of the College on 3.8.2003. Later on, the regional committee consisting of the Joint Director of Education, Faizabad, Deputy Director of Education, Faizabad and DIOS, Faizabad passed a resolution on 10.9,2003 and recognized the election of the management committee held on 3.8.2003 and decided to verify the signature alleged to be elected Manager Shri Mitra Sen Yadav opposite party No.4. The resolution of the Regional Educational Committee is Annexure1 which is impugned in this petition. This resolution Annexure1 has been challenged by the petitioners on the ground that the general body for constituting the Committee of Management of the College and that of the Committee of Management of the society is common and the dispute about the constitution of the electoral college is pending in the writ petition No.1409 (M/S) of 2003 and the result of the election of the Committee of Management of the society as held on 16.5.2003 was not to be given effect vide order dated 12.5.2003 passed by the Division Bench to this Court in Special Appeal No.206 of 2003 and therefore, no election of the Committee of Management of the College could be held and recognized in view of the direction issued by this Court vide judgment and order dated 16.3.2003 passed in writ petition No.264 (M/S) of 2002 directing that the affairs of the Committee of Management of the College shall be looked into by the DIOS till holding of the election by the Registrar. It is alleged that effect of the order passed in Special Appeal No.206 of 2003 is that the result of the election dated 16.5.2003 held by the Registrar shall not be given effect to, therefore the DIOS is to continue as the Committee of Management and no other Committee of Management either could be elected or could be recognized unless the conditions mentioned in the order dated 12.5.2003 passed by the Division Bench of this Court in Special Appeal No.206 of 2003 stands satisfied.

6. Secondly, it is alleged that in view of the directions issued by this Court vide judgment and order dated 16.3.2002 while finally disposing of the writ petition No.264 (M/S) of 2002, it was provided that the DIOS was to look after the

management of the college and therefore, no election could be held at all by the opposite party No.4. Thirdly, it has been alleged by the petitioners that in compliance of the order dated 16.3.2002 passed by this Court in writ petition No.264 (M/S) of 2002, the election was got held by the Registrar and the result was declared but it was not being given effect because of the order dated 12.5.2003 passed in Special Appeal No.206 of 2003 which was passed after hearing the learned counsel for the parties but the opposite party No.3 Shri Mitra Sen Yadav did not inform the DIOS that the effect of the election dated 16.5.2003 held by the Registrar, was directed not to be given effect to.

7. The next ground to challenge the impugned order Annexure1 is that opposite party No.4 Shri Mitra Sen Yadav is a convict for an offence under Section 302 IPC for murder and he is not eligible for being elected as Manager of the Committee of Management of the College or as member and office bearer of the said Committee of Management in view of the provisions made in Paragraph 7(Ka)(iii) of the approved Scheme of Administration. The case of the petitioners is that under subsection (6) of Section 16A of the U.P. Intermediate Education Act, 1921, every recognized institution is to be managed in accordance with the Scheme of Administration framed under and in accordance with Subsection (1) to Subsection (5) of Section 16B and 16C. It is alleged that Section 16A of the Intermediate Education Act starts with a non obstinate clause and provides that notwithstanding with anything in any law, document or decree, order of a court or other instruments, there shall be a Scheme of Administration.

8. The opposite party No.4 Shri Mitra Sen Yadav has contested this petition by filing the counter affidavits. The case of the opposite party No.4 is that the dispute in regard to the management of the educational institution covered by the U.P. Intermediate Education Act, 1921 is to be determined by the Regional Deputy Director of Education under Section 16A(7) of the said Act and any dispute in regard to the Committee of Management of the society is to be decided by the prescribed authority on a reference so made under Section 25(1) of the Societies Registration Act, 1860 and therefore, the writ petition under Article 226 of the Constitution of India is not maintainable and the civil suit is the alternative remedy available to the petitioners.

9. It is next contended by the opposite party No.4 that neither the society nor the Committee of Management of the College has been impleaded as opposite party and on this ground also the writ petition is not maintainable. Thirdly, it has been contended that there is no prayer for setting aside the election of the Committee of Management of the College as held on 3.8.2003 and therefore, the tiling of this writ petition is a futile exercise. It has been next contended by the opposite party No.4 that the copy of the scheme of administration filed by the petitioners as Annexure3 is not a correct copy and the correct copy is filed by the opposite party No.4 alongwith the supplementary counter affidavit and clause 7(Ka)(iii) of the Scheme of Administration as written in the correct copy of the scheme to administration filed by the opposite party No.4, does not debar Shri

Mitra Sen Yadav because he is not convict in an offence involving moral turpitude. In the alternative, it is pleaded that Shri Mitra Sen Yadav was granted remission by His Excellency, the Governor of Uttar Pradesh under Section 432 of the Code of Criminal Procedure. It is also contended by the opposite party No.4 that the question whether the opposite party No.4 is eligible for being elected as member and office bearer of the Committee of Management of the college or not is to be decided by the President of the Committee of Management on a reference so made to him under clause 7(Ka) (iii) of the approved scheme of administration Annexure 3 to the supplementary counter affidavit. It is next contended that the petitioners have shown disrespect to the court by using the term "dreaded criminal" for the opposite party No.4 who has been a Member of Parliament twice and also has been a member of the Legislative Assembly five times and the petitioners have made a false statement in the writ petition by saying that the opposite party No.4 was in jail.

10. After hearing the learned counsel for the parties at length, I find that admittedly a writ petition No. 1409 (M/S) of 2003 between the parties is pending and the question of constitution of the electoral college (General body) for constituting the Committee of Management of the college and that of the Committee of Management of the society is subjudice in writ petition No.1409 (M/S) of 2003. It appears that from Annexure14 dated 31.7.2003 written by the DIOS to the manager Kisan High School, Bankata, Faizabad that Shri Mitra Sen Yadav wrote a letter to the DIOS stating that High Court had passed an order in writ petition No.264 (M/S) of 2002 directing the DIOS to work as management till the holding of the election of the Committee of Management of the society by the Registrar and the Registrar has got held the election on 16.5.2003 and the result was also declared and therefore, the election for constituting the Committee of Management be got held but no intimation was given to the DIOS that a Division Bench of this Court in Special Appeal No.206 of 2003 had passed an order on 12.5.2003 that the election held on 16.5.2003 will not be given effect to until further orders of this Court or till disposal of the writ petition No.1409 (M/S) of 2003. So in my opinion, the DIOS was not competent to permit the holding of fresh election on 3.8.2003 by appointing an Observer. Perhaps the fresh election has been permitted to be held on misrepresentation of facts and want of knowledge of the order of this Court dated 12.5.2003 in Special Appeal No.206 of 2003. Whatever may be the reason the election had taken place on 16.5.2003 in pursuance of the direction given by this Court in writ petition No.264 (M/S) of 2002 and the result of this election were not to be given effect because of the order of this Court in Special Appeal No.206 of 2003. So all the proceedings with regard to further section on 3.8.2003 and the recognition of the election the Regional Educational Committee and the verification of the signature of Shri Mitra Sen Yadav as manager of the Committee of Management of the college are not in accordance with direction given by this Court in Special Appeal No.206 of 2003. I am of the opinion that this Court while exercising jurisdiction under Article 226 of the Constitution of India must ensure the compliance by the

direction issued by it and pass suitable order in the interest of justice.

11. Learned counsel for the petitioner has referred the Hon"ble Supreme Court's decision in Salkiya Businessmen's Association and others v. Howrah Municipal Corporation and others. (2001) 6 SCC 688 in which it was held as under:

"If courts are not to honour and implement their own orders and encourage party litigants, be they the public authorities, but invent methods of their own to short circuit and give a go-by to the obligations and liabilities incurred by them under orders of the court the Rule of law will certainly become a casualty in the process a costly consequence to be zealously averted by all and at any rate by the highest courts in the states in the country."

12. Thus, merely only on one ground after seeing the order passed in special appeal No.206 of 2003 between the parties and in view of the order dated 16.3.2002 in writ petition No.264 (M/S) of 2002, the impugned order Annexure 1 is liable to be quashed.

13. So far as the submission made by the opposite party No.4 Shri Mitra Sen Yadav is concerned, I take up these contentions hereinafter. The first contention is that alternative remedy by way of civil suit is available to the petitioner. In support of his contention, the learned counsel for the opposite party No.4 has referred (1980) UPLBEC 43: Jaswant Singh and another v. District Inspector of Schools and others. (1982) UPLBEC 547: Committee of Management and another v. Deputy Director of Education and others. (1985) UPLBEC 551: Krishna Putt Bajpai v. District Inspector of Schools, Rae Bareilly, (1988) UPLBEC 732: Committee of Management and others v. Regional Deputy Director of Education and others. (1999) 1 UPLBEC 524: Committee of Management and others v. Regional Deputy Director of Education and others. I am of the view that all the aforesaid cases relied on by the opposite party No.4 relate to a situation where rival Committees of Management claimed to have been elected by rival claimants and the dispute was either adjudicated for the purpose of recognition by the DIOS or the determination was made under Section 16A(7) of the U.P. Intermediate Education Act, 1921 by the Regional Deputy Director of Education and then the dispute about the validly elected Committee of Management can be determined in a civil suit. The case of the petitioners is based on other facts and circumstances and therefore these decisions are not applicable in the instant case.

14. The second contention of the learned counsel for the opposite party No.4 is that neither the society nor the Committee of Management of the college has been impleaded as opposite parties and therefore, the writ petition is not maintainable. I find that dispute in regard to the constitution of the general body of the society is involved in writ petition No. 1409 (M/S) of 2003 and there is already an existing final order in writ petition No.264 (M/S) of 2002 to the effect that "the affairs of the Committee of Management of the college shall be looked into by the DIOS, Faizabad till the holding of the election by the Registrar" and

giving effect to the election held by the Registrar on 16.5.2003 has been restrained by a Division Bench of this Court vide order dated 12.5.2003 passed in Special Appeal No.206 of 2003, the DIGS is to act as the Committee of Management and no other person can be treated or recognized for any purpose, including for being impleaded as an opposite party in the writ petition as the Committee of Management. The DIGS has already been arrayed as opposite party No. 3 in the writ petition.

15. The next contention of the learned counsel for the opposite party No. 4 is that there is no prayer for setting aside the election as held on 3.8.2003. This contention has also no force because the fate of the election alleged to be held on 3.8.2003 shall be decided in writ petition No. 1409 (M/S) of 2003 because if the order passed by the Registrar determining the members of the general body is upheld, the election dated 6.5.2003 for constituting the Committee of Management of the society and also the alleged election dated 3.8.2003 for constituting the Committee of Management of the college, shall stand on their own strength, but if the said order of the Registrar is interfered with then both the election shall automatically fall down and will stand rendered as legless.

16. The next contention which has been raised by the learned counsel for the opposite party No.4 is that the copy of the scheme of administration filed by the petitioners as Annexure3 is not a correct copy and the correct copy is the copy which has been filed by the opposite party No.4 alongwith supplementary counter affidavit. This contention has been raised because in Clause 7(Ka) of the scheme of administration, there are certain ineligibilities for the office bearers of the Committee of Management of the college and one of the ineligibilities at serial No. 3 is as follows:

17. In the copy of the scheme of administration filed by the opposite party No.4 this Clause 7(Ka)(iii) is as follows:

18. In order to ascertain the correctness of this clause 7(Ka) (iii) of the scheme of administration, I summoned the Joint Director of Education. He filed two copies and in both the copies this clause 7(Ka) (iii) is not similar and the Joint Director of Education could not state which copy is correct. I summoned the principal of the college with the correct copy of the scheme of administration. The copy filed by the principal is in accordance with the Annexure3 filed by the petitioners. Moreover, I find that in Special Appeal No.113 of 2002 Shri Mitra Sen Yadav is one of the appellants and he has also filed a copy of the scheme of administration, which has been kept in a sealed cover by the order of this Court. Photocopy filed in Special Appeal by Shri Mitra Sen Yadav is the same copy of the scheme of administration as has been filed by the petitioners as Annexure3 in this petition and now the copy of the scheme of administration which is relied on by both the parties; one in this petition Annexure3 and another in Special Appeal No.113 of 2002 are the same and so far as clause 7(Ka) (iii) of the scheme of Administration is concerned, it is as follows:

19. One of the grounds alleged by the petitioners to assail the impugned order Annexure1 is that the opposite party No. 4 Shri Mitra Sen Yadav is a convict for an offence under Section 302 IPC and is not eligible for being elected as manager of the committee of management of the college as a member or office bearer of the said committee of management in view of the proscription made in clause 7(Ka) (iii) of the approved scheme of administration. Section 16A (6) of the U.P. Intermediate Education Act provides that "every recognized institution is to be managed in accordance with the scheme of administration framed under and in accordance with subsection (1) to subsection (5) of Section 16B and 16C. Section 16A has the overriding effect on other sections of the Act, document, decree, order of the court or other instrument. Section 16A (1)(6) makes it clear that the affairs of the college are to be run and managed in accordance with the terms of the approved scheme of administration. It is not denied that Shri Mitra Sen Yadav opposite party No. 4 is a convict under Section 302 IPC. It is contended by the opposite party No.4 that offence under Section 302 IPC is not an offence involving moral turpitude and secondly Shri Mitra Sen Yadav was granted remission by the Governor of Uttar Pradesh under Section 432 of the Cr PC.

20. First of all, I make it clear after seeing clause 7(Ka)(iii) of the Scheme of Administration that a person convicted of an offence is not eligible for becoming member of the Committee of Management or for holding any office in the committee. Even if the contention of the opposite party No.4 is accepted that in the Scheme of Administration, it is provided that a person convicted of an offence involving moral turpitude only is ineligible for becoming member or office bearer of the Committee of Management, in that case it is required to look into whether the offence under Section 302 IPC is an offence involving moral turpitude or not. In *Re P. An Advocate* (AIR 1963 SC 1313) a constitution bench of the Hon"ble Supreme Court held that the expression "moral turpitude" or "delinquency" is not to receive a narrow construction."

21. In *Roshan Lal Ahuja v. Dr. S.C. Jain and others* (1987) 1 SCC 49, conviction on charge of attempt to murder was held to be a conviction involving moral turpitude. In this case, the petitioner was dismissed from service of having been convicted for an offence involving moral turpitude. The dismissal was under challenge before the Hon"ble Supreme Court. The Hon"ble Supreme Court upheld the dismissal rejecting the defence that the offence was not an offence involving moral turpitude.

22. In *Pawan Kumar v. State of Haryana and another*, (1996) 4 SCC 1 7, it was held by the Hon"ble Supreme Court that "the "moral turpitude" is an expression, which is used in legal as also societal parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity."

23. In *Baleshwar Singh v. District Magistrate and Collector*, AIR 1959 Allahabad 71, it was held that the expression "Moral Turpitude" is not defined anywhere. But it means anything done contrary to justice, honesty, modesty or good

morals."

24. In view of the aforesaid interpretations of offence involving moral turpitude, I find that even if it is accepted that a person convicted of an offence involving moral turpitude is only ineligible for being member or office bearer of the Committee of Management. Even in that case, after the offence for which Shri Mitra Sen Yadav is admittedly a convict he appears to be ineligible for being member or office bearer of the committee of management.

25. Learned counsel for the opposite party No.4 has argued that the opposite party No.4 after being convicted under Section 302 IPC applied for remission before the Governor of the State and he was granted remission under Section 432 of the Code of Criminal Procedure by His Excellency, the Governor of Uttar Pradesh. This fact is also not denied by the petitioner. But I am of the view that opposite party No.4 was granted remission for the sentence to be undertaken under Section 432 Cr PC and even after the grant of remission, the conviction survives.

26. In *State v. Prem Raj* (2003) 7 SCC 121, the Hon'ble Supreme Court has clarified that the petitioner can be granted remission against the sentence only and conviction can be intact even after the remission. The relevant portion of the judgment of the Hon'ble Supreme Court is as follows:

"10. Reprieve means a stay of execution of sentence, a postponement of capital sentence. Respite means awarding a lesser sentence instead Of the penalty prescribed in view of the fact that the accused has had no previous conviction. It is something like a release on probation for good conduct under Section 360 of the Code. Remission is reduction of the amount of a sentence without changing its character. In the case of a remission, the guilt of the offender is not affected, nor is the sentence of the Court, except in the sense that the person concerned does not suffer incarceration for the entire period of the sentence, but is relieved from serving out a part of it. Commutation is change of a sentence to a higher sentence of a different kind. (Section 432A) empowers the Appropriate Government to suspend or remit sentences. The expression "appropriate Government" means the Central Government in cases where the sentence or order relates to the matter to which the executive power of the union extends, and the State Government in other cases. The release of prisoners condemned to death in exercise of powers conferred under Section 433A of the Code and Article 161 of the Constitution does not amount to interference with the due and proper course of justice, as the power of the High Court, to pronounce upon the validity, propriety and correctness of the conviction and sentence remains unaffected. Powers under Article 161 of the Constitution can be exercised before, during or after trial. By reducing the sentence, the authority concerned does not thereby modify the judicial sentence. The fact that the sentence was remitted by the appropriate Government or that on account of certain remissions which he earned under the Jail rules or under some order of General amnesty, the person was released earlier, does not affect disqualifications incurred, if any. Section 432

confines the power of the Government to the suspension of the execution of the sentence or the remission of the whole or any part of the punishment. The conviction under which the sentence is imposed remains unaffected. The section gives no power to the Government to revise the judgment of the court. It only provides with the power to remit the sentence. Remission of punishment assumes the correctness of the conviction and only reduces the punishment in part or in whole. The word "remit" as used in Section 432 is not a term of art. Some of the meanings of the word "remit" are "to pardon" to refrain from inflicting, to give up". A remission of sentence does not mean acquittal and any aggrieved party has right to vindicate himself or herself."

27. It has been argued before me that Shri Mitra Sen Yadav has been a Member of Parliament and Legislative Assembly several times. It will not affect the decision because the disqualification for being a candidate for the Member of Parliament or the Legislative Assembly is considered under the provisions of Representation of Peoples Act. Here in the instant case, the disqualification is to be considered in accordance with 7(Ka) (iii) of the Scheme of Administration.

28. Learned counsel for the opposite party has further argued that the question as to whether the opposite party No.4 is eligible for being elected as Member and Office bearer of the Committee of Management of the college or not is to be decided by the President of the Committee of Management on a reference so made to him under clause 7 (Ka)(iii) of the approved scheme of administration. I find that a present there is no Committee of Management and therefore, there is no President of the Committee of Management. In accordance with the judgment in writ petition No.264 (M/S) of 2002, the affairs of the Committee of Management of the college shall be looked into by the DIGS, Faizabad till the holding of the election by the Registrar. So till the disposal of the pending writ petition No.1409(M/S) of 2003, the DIGS, Faizabad shall continue to look into the affairs of the Committee of Management of the college and this question whether Shri Mitra Sen Yadav is ineligible for being the member or the office bearer of the Committee of Management or not, shall be looked into by the DIGS at the time of recognizing Shri Mitra Sen Yadav as member or office bearer of the Committee of Management in light of the findings given above and after the decision of the writ petition No. 1409 (N/S) of 2003, the eligibility of Shri Mitra Sen Yadav for becoming the member or the office bearer of the Committee of Management shall be dealt with in accordance with the direction of this Court at the time of deciding the writ petition No.1409 (M/S) of 2003 because this matter is to be looked into in the earlier writ petition No.1409 (M/S) of 2003 also and the order of the Registrar, Firms Societies and Chits dated 24.4.2003 as contained in Annexure11 is impugned in the earlier writ petition No.1409 (M/S) of 2003. But for the purpose of deciding this writ petition, I find that the impugned order Annexure1 is prima facie either the result of the ignorance of the order of this Court in Special Appeal No.206 of 2003 and writ petition No.264 (M/S) of 2003 or in violation of the order of this Court in Special Appeal No.206 of 2003. In both the circumstances, the writ petition is to be allowed for the relief

claimed.

29. In view of the above, the writ petition is allowed. The resolution dated 10.9.2003 passed by the opposite party No.2 as contained in Annexure1 to the writ petition and the consequential order passed by the opposite party No.3 implementing the impugned resolution dated 10.9.2003 are quashed and the opposite parties 1 to 3 are restrained from treating the opposite party No.4 Shri Mitra Sen Yadav as manager of the committee of management of Kisan High School, Bankata, District Faizabad till the decision of the writ petition No.1409 (M/S) of 2003.

(Petition allowed)