

(2003) 11 AHC CK 0163
In the Allahabad High Court
Case No : C.M.W.P. No. 19763 of 1997

Beni Madhav Yadav and Others

APPELLANT

Vs

District Inspector of Schools and Another

RESPONDENT

Date of Decision : 21-11-2003

Acts Referred:

Uttar Pradesh Intermediate Education Act, 1921 — Section 16A

Citation : (2004) 1 AWC 447 : (2004) 1 UPLBEC 629

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : Ajeet Srivastava, for the Appellant;

Final Decision : Disposed Of

Judgement

Rakesh Tiwari, J.—Heard counsel for the petitioner and perused the record.

2. Shri Langtoo Baba Intermediate College, Hariha Kalan, is a recognised institution managed by a registered society. It is governed by the U.P. Intermediate Education Act, 1921. The institution at present is being managed by the Prabandh Sanchalak (respondent No. 2). He was appointed by the Deputy Director of Education on 5.8.1991. While deciding the dispute of committee of management the Deputy Director also issued direction to the Prabandh Sanchalak to hold the elections of the committee of management within four months. Aggrieved by the aforesaid order of the Deputy Director of Education, the committee of management filed Writ Petition No. Nil of 1991, Committee of Management, Langtoo Baba Intermediate College and Ors. v. Deputy Director of Education, Vth Mandal, Varanasi. The writ petition was disposed of by this Court vide order and judgment dated 23.9.1991, with a direction to the Prabandh Sanchalak also to decide any dispute with regard to the membership of the society.

3. The petitioner alleges that he is legally enrolled member of the General Body but the Prabandh Sanchalak without any notice or opportunity to him published

the schedule of election on 8.5.1994 in the newspapers excluding his name and including the names of persons who were neither members of the general body nor had any concern with the institution. The petitioner made representation on 3.5.1994, on which the District Inspector of Schools passed order suspending the election sine die. The petitioner has made several representations to initiate the proceedings of election and to finalise the list of members of the General Body but no action has so far been taken on them by the respondents despite the directions of this Court.

4. Almost 12 years have passed since the last election of the General Body had been held and the Prabandh Sanchalak is enjoying his appointment as such and even counter-affidavit has not been filed despite notice.

5. Initially this writ petition was filed by 202 petitioners but subsequently by permission of the Court the names of petitioner Nos. 2 to 202 have been deleted and now there is only petitioner No. 1 to pursue the petition. No useful purpose would be served in keeping this writ petition pending as 6 years have already passed. The only prayer of the petitioner is that his representation dated 24.2.1997 (Annexure-5 to the writ petition) may be decided by the District Inspector of Schools (respondent No. 1).

6. It is not in dispute that this Court had directed holding of election of the committee of management within four months of the appointment of the Prabandh Sanchalak which has not been held till date either by the District Inspector of Schools or by the Prabandh Sanchalak according to the Scheme of Administration. The Court expresses its displeasure for not holding the election of the committee of management during the last 12 years. The State Government may take action against the District Inspector of Schools and the Prabandh Sanchalak who was instrumental in deferring the election of the institution for being managed by duly elected committee of management, according to the Scheme of Administration.

7. In the peculiar facts and circumstances of the case the respondents are directed to complete all formalities for holding the election within four months from the date of production of a certified copy of this order before them by the petitioner, after finalising the list of the members of the general body.

8. The writ petition is accordingly disposed of. No order as to costs.