

**(2004) 10 AHC CK 0017**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 44190 of 2004

Chandra Bhan Urf Palu

APPELLANT

Vs

Director of Higher Education and Others

RESPONDENT

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**Date of Decision :** 14-10-2004

**Acts Referred:**

Constitution of India, 1950 — Article 14

**Citation :** (2005) 1 UPLBEC 1026

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

**Bench :** Single Bench

**Advocate :** R.D. Agrawal, for the Appellant;

**Final Decision :** Dismissed

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## **Judgement**

Arun Tandon, J.—Heard R.D. Agrawal on behalf of the petitioner and learned Standing Counsel on behalf of respondent No. 1.

2. Petitioner has admittedly been granted admission in B.Sc. Part III (single subject only). The petitioner has been restrained from contesting the election of the student union of Bareilly College, Bareilly in view of the provisions regulating the elections of the Union as framed by the institution, copy whereof has been enclosed as Annexure-6 to the writ petition. Clause 20 of the aforesaid rules provides that a candidate admitted in a single subject shall not be treated to be a regular student. It has further been provided that a student obtaining admission in a single subject may be permitted by the Principal of the institution to undertake practical classes also, however, the said permission would not amount to petitioner being treated as a regular student.

3. On behalf of the petitioner it is contended that he has deposited the requisite fee and has also been issued identity card, copy whereof have been enclosed as Annexures-1 and 2 to the writ petition. The petitioner further contended that a certificate has been issued by the Principal of the college categorically stating that the petitioner is a bona fide student of the college. The petitioner has also

made reference to the document dated 29th September, 2004 whereby he has deposited student union membership fee to the tune of Rs. 25/- which has been accepted and, therefore, the petitioner has become a valid member of the student union and is entitled to contest the elections. It is further stated that if the petitioner is not permitted to contest the election there would be violation of Article 14 of the Constitution of India. Lastly it is contended that it is in the interest of the student and public also that the petitioner should be permitted to contest the election.

4. I have heard Counsel for the parties and have gone through the records of the writ petition.

5. The contentions raised on behalf of the petitioner are totally misconceived. From the documents, which have been brought on record by the petitioner including the admit card, fee receipt, identity card and the certificate issued by the Principal, it is established beyond doubt that the petitioner has not been declared to be a regular student of the said college. As already noticed above, petitioner has been granted admission in a single subject (B.Sc. Part-III), as such in view of the provisions of the rules regulating the elections, he not being a regular student is not entitled to contest the election. The identity card issued to petitioner is for the purpose to enable him to undertake the practical classes in the subject (B.Sc.-III). Therefore, no benefit can be withdrawn by the petitioner on the basis of the identity card. Similarly, the depositing of student union membership fee cannot confer a right upon the petitioner to contest the election. It is needless to point out that right to contest election is statutory right [Reference University of Delhi and Another Vs. Sh. Anand Vardhan Chandal, and the right to contest election and to participate in the election is regulated under the provisions so made.

6. In such circumstances, since the petitioner does not answer the description of regular student of Bareilly College, Bareilly, the question of his being permitted to contest the election does not arise. The plea of Article 14 of the Constitution of India, raised on behalf of the petitioner, is totally out of contest.

7. As in paragraph 6 of the writ petition it has been stated that the said Rule 10 (b) on the basis whereof the petitioner has been held not to be a regular student has already been challenged by the petitioner in Writ Petition No. 41948 of 2004, in which no interim order is granted to the petitioner. In such circumstances, if said writ petition is dismissed, no grievance can be survived.

8. With these observations, writ petition stands dismissed.