

(2010) 11 AHC CK 0262
In the Allahabad High Court
Case No : Writ C. No. 66896 of 2010

Chhidda and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 18-11-2010

Acts Referred:

Citation : (2010) 11 AHC CK 0262

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Amreshwar Pratap Sahi, J.—Heard Sri Prabhakar Awasthi learned Counsel for the Petitioners and Sri W.H. Khan for the Respondents No. 5 and 6 and the learned Standing Counsel for the Respondents No. 1 to 4.

2. The challenge in this writ petition is to the order dated 1st September, 2010 Annexure 28 to the writ petition on three grounds. Firstly, that the finding recorded by the Joint Director of Education that the scheme was amended and approval was granted on 29.02.2000 is erroneous, inasmuch as, the said order proceeds to record approval in respect of a scheme of administration which was allegedly amended in the year 1990 and which did not have a valid approval. Sri Awasthi, therefore submits that the subsequent approval of the year 2000 is also invalid.

3. The second ground of challenge is that the Regional Level Committee which has proceeded to decide the order is not properly constituted and he relies on the judgment of this Court in the case of Radhey Raman Gupta and Ors. v. State of U.P. and Ors., reported in 2010 (3) ESC 2130 (All) and the third argument advanced is that the decision of the Joint Director of Education is tentative in nature and it seeks to ignore the earlier findings that were recorded indicating that the valid life members and other members have been wrongly excluded from the membership list.

4. On the strength of the three grounds aforesaid Sri Awasthi submits that illegality is being perpetuated by the Respondent committee through out since 1998 under the garb of recognition as a minority institution and further all activities of the Committee of Management held after 1990 are apparently invalid in view of the aforesaid submissions. This aspect of the matter has not been decided by the Regional Level Committee and therefore the impugned order is vitiated.

5. Having heard learned Counsel for the parties.