

(2009) 06 AHC CK 0044
In the Allahabad High Court

C/M Bal Bharti Shiksha Sadan Inter College	APPELLANT
Vs	
State of U.P.And Others	RESPONDENT

Date of Decision : 02-06-2009

Acts Referred:

Citation : (2009) 06 AHC CK 0044

Hon'ble Judges : Arun Tandon, J

Final Decision : Disposed Of

Judgement

Arun Tandon, J.

Counsel for the parties agree that no further affidavits be called for in the facts of the present case and the writ petition may be finally disposed of specifically in view of the order proposed to be passed today.

Single operation of account was directed in the petitioner's institution namely Bal Bharti Shiksha Sadan Inter College, Siraura, Bulandshahr, only because the management of the institution was not permitting the ad hoc Principal to function as such in the institution.

The controversy in that regard had travelled up to this Court and since the order of the High Court was not complied with, the District Inspector of Schools vide order dated 27.02.2009 directed single operation of accounts.

Counsel for the petitioner, Committee of Management submits that the senior most teacher of the institution has now been permitted to join as the ad hoc Principal and he is actually discharging duties on the post of Principal.

The Committee, therefore, made an application on 20.03.2009 for withdrawal of the order of the single operation of account in view of the said development, but no orders have been passed by the District Inspector of Schools thereon till date. .

By means of the impugned order dated 12.05.2009 the right of the Manager to

settle the agricultural land has been taken away with a direction upon the Principal to do so. It is against this order that the present writ petition has been filed.

Shri H.N.Singh, Advocate has appeared on behalf of respondent no. 4, Principal and he has stated that he has been permitted to join. It is further stated that the Committee is adamant to pass orders for interfering in the functioning of the Principal.

Shri Gajendra Pratap, Senior Advocate assisted by Shri Anoop Trivedi made an statement on behalf of the Committee of Management that no uncalled for interference shall be placed in functioning of the ad hoc Principal.

In view of the stand so taken, I am of the considered opinion that cause for the action against the Committee of Management under order dated 27.02.2009 has become non existent. The District Inspector of Schools should have considered the application made by the writ petitioner before passing the order dated 12.05.2009. Therefore, the order dated 12.05.2009 cannot be legally sustained and is hereby quashed. Writ petition is allowed.

Let the District Inspector of Schools consider the application made made by the writ petitioner dated 20.03.2009, within two weeks from the date a certified copy of this order is filed before him. He may examine as to whether the order dated 27.02.2009 is liable to be recalled in view of the subsequent development, especially in view of the statement made before this Court that no uncalled for interference shall be placed in the functioning of the ad hoc Principal of the College.