

(2011) 05 AHC CK 0154
In the Allahabad High Court
Case No : Writ C No. 25312 of 2011

C/M Imamul Madaris Inter College and Another	APPELLANT
Vs	
State of U.P. and Others	RESPONDENT

Date of Decision : 09-05-2011

Acts Referred:

Citation : (2011) 05 AHC CK 0154

Hon'ble Judges : Devendra Pratap Singh, J

Bench : Single Bench

Judgement

Devendra Pratap Singh, J.—Heard learned Counsel for the parties.

2. Imamul Madaris Inter College, Amroha, J.P. Nagar is a duly registered Society which manages an Intermediate College of the same name according to an approved Scheme of Administration under the U.P. Intermediate Education Act, 1921 and is a minority institution, but aided and the tenure of the Committee of Management is three years.

3. Rival claims for the elections to the Committee of Management engaged the attention of this Court where several writ petitions were filed in 1997, 1999 and 2002 and a learned Single Judge, in the leading Writ Petition No. 29720 of 1997 rendered a judgment on 14th of July 2007 for holding fresh elections in the manner herein below quoted:

Now the question is as to what directives should be given in the facts and circumstances of the case. Them of the Committee of Management has already come to an end fresh elections are to be held. No directives can be issued for appointment of Authorised Controller for the purpose of holding fresh election as institution in question is Minority institution. Further duly recognized committee is entitled to function, till its successors are elected. In this view of the matter, the Committee of Management, which was in control of the affairs of the institution prior to passing of the order dated 22.10.1999 shall proceed ahead to hold the election as ever provisions contained in the Scheme of Administration

under the supervision of the District Inspector of Schools, and conclude the election proceedings within three months from the date of receipt of a certified copy of this judgment, and thereafter entire papers be transmitted to the Regional Committee constituted under the Government Order dated 19.12.2000. In case any one has any grievance in respect to the aforementioned election, then liberty is given to him to make objection before the District Inspector of Schools, who will also transmit the same to the Regional Committee and the Regional Committee will proceed to take appropriate decision in the matter and in case it is found that the elections have been validly held then recognition would be accorded to it.

4. It appears that the elections were not held in accordance with the aforesaid directions and again rival claims were raised which were brought before this Court through Writ Petition No. 43792 of 2006 and a learned Single Judge, after hearing the parties, passed the following operative portion of the judgment on 13.1.2010:

In such circumstances, the order dated 21st July, 2006 passed by the Regional Committee and the consequential order passed by the District Inspector of Schools on 22nd July, 2006 are set aside. Fresh elections of the Committee of Management of the Institution shall now be held strictly in accordance with the directions issued by the Court in the judgment and order dated 14th July 2004. The time indicated in the judgment dated 14th July, 2004 shall, however, start to run from the date of this judgment.

The writ petition succeeds and is allowed to the extent indicated above.

5. In pursuance thereof, the Petitioners and the contesting Respondent laid claim for their respective elections on 4th of April 2010. The Petitioners have filed this petition for a direction to the Regional Level Committee, Respondent No. 2 to take decision on the dispute.

6. Sri Baghel, learned Counsel appearing for the contesting Respondent has produced an order dated 8th of April 2010 passed by the District Inspector of Schools by which he has approved the elections of the contesting Respondent. In the opinion of the Court, the aforesaid order of the District Inspector of Schools is in the teeth of the directions of this Court and he had no option but to refer the question of recognition of election to the Regional Committee and, therefore, the order dated 8th of April 2010 is rendered void.

7. Since the rival claim has been lodged and as such according to the aforesaid directions of this Court, the District Inspector of Schools is directed to forward all the papers relating to the elections of the Petitioners and the contesting Respondent to the Regional Committee within a period of one week from the from the date of submission of a certified copy of the order and the Regional Committee may take a reasoned decision after hearing the parties within a further period of three weeks. Till then, the status quo so far as the administrative control is concerned, shall continue in the institution, but the

accounts shall be operated singly.

8. With the aforesaid directions, the writ petition is finally disposed off.