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**(2010) 09 AHC CK 0211**  
**In the Allahabad High Court**

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|--------------------------------------|------------|
| C/M Intermediate College and Another | APPELLANT  |
| Vs                                   |            |
| State of U.P. and Others             | RESPONDENT |

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**Date of Decision :** 06-09-2010

**Acts Referred:**

**Citation :** (2010) 09 AHC CK 0211

**Hon'ble Judges :** Sanjay Misra, J

**Bench :** Single Bench

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### **Judgement**

Sanjay Misra, J.—Heard Sri Radha Kant Ojha, learned Counsel for the petitioner, learned Standing Counsel for the State-respondents and Sri V.K. Singh, learned Counsel who put in appearance on behalf of Respondent No. 4.

2. The petitioner claims itself to be the Committee of Management, Intermediate College, Pahasu, Bulandshahr, is aggrieved by the order dated 03.08.2010 (Annexure-14 to the writ petition) passed by the Joint Director of Education, Meerut Region, Meerut, as also the order dated 09.08.2010 (Annexure-15 to the writ petition) passed by the District Inspector of Schools, Bulandshahr. Sri Ojha has submitted that when the matter was remitted back to the Regional Level Committee for decision by the order dated 01.07.2010 passed in Writ Petition No. 37611 of 2010 then the Joint Director of Education or the District Inspector of Schools had no business to attest the signature of the Committee of Management of the Respondent No. 4, more particularly, when in the interim period an Authorized Controller was appointed. He states that in the writ petition of Respondent No. 4 the order of appointing an Authorized Controller was set aside where after the impugned order has been passed.

3. It is not disputed by Sri V.K. Singh that the matter is ceased with the Regional Level Committee and the direction passed by this Court on 01.07.2010 in the earlier writ petition is that the Regional Level Committee shall decide the matter afresh after giving opportunity to the parties. The relevant portion of the direction issued by this Court in Writ Petition No. 37611 of 2010:

From the perusal of the decision taken by the Regional Level Committee, it is clear that the documents filed by respondent No. 5 after the hearing was concluded on 5th February, 2010 have been taken into consideration by the Regional Level Committee without affording any opportunity to the petitioners.

In view of the aforesaid Division Bench judgment of this Court in Ramadhar Shashtri (supra), it is not possible to sustain the decision taken by the Regional Level Committee on 8th May, 2010. It is, accordingly, set aside. The matter is remitted to the Regional Level Committee to decide it afresh in accordance with law after giving opportunity to the parties expeditiously, preferably within a period of three months from the date a certified copy of this order is filed by either of the parties.

4. From the aforesaid direction it is not disputed by both the counsel that the matter is pending before the Regional Level Committee. Consequently, when an order in the nature of interim arrangement has been passed by the Joint Director of Education on 03.08.2010 and a consequential order dated 09.08.2010 has been passed by the District Inspector of Schools, it would not be appropriate for this Court to entertain this writ petition at this stage. The petitioner should approach the Regional Level Committee even with respect to the validity, legality and propriety of the interim arrangement made on 03.08.2010 and 09.08.2010. In case the petitioner does so alongwith certified copy of this order the Regional Level Committee is expected to take a decision in accordance with law forthwith and without any further delay.

5. The writ petition is disposed of as above.

6. No order is passed as to costs.

7. It is made clear that this Court has not expressed its opinion on the merits of the claim made by the petitioner in this writ petition.