

**(2009) 05 AHC CK 0763**  
**In the Allahabad High Court**

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|--------------------------------------------------|------------|
| C/M Janta Inter College Thru Manager and Another | APPELLANT  |
| Vs                                               |            |
| State of U.P.and Others                          | RESPONDENT |

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**Date of Decision :** 29-05-2009

**Acts Referred:**

**Citation :** (2009) 05 AHC CK 0763

**Hon'ble Judges :** S.P.Mehrotra, J

**Final Decision :** Allowed

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**Judgement**

S.P.Mehrotra, J.

It is submitted by Sri Shesh Kumar, learned counsel for the petitioners that pursuant to the election held on 15.12.2008, the Committee of Management was recognized by the District Inspector of Schools by the order dated 15.1.2009, and by the order dated 17/1/09 (Annexure 12 to the writ petition), the signatures of the petitioner no. 2 were attested. However, subsequently, on an alleged complaint received by the District Magistrate, Bulandshahr, an enquiry was directed to be held by the Assistant District Inspector of Schools. On the basis of the enquiry report, the District Inspector of Schools, Bulandshahr has passed the impugned order dated 24.3.2009 revoking the recognition granted by the order dated 15.1.2009.

It is submitted that the Government Order No. 1154 dated 20th October, 2008 contemplates that the District Inspector of Schools will initially recognize the Committee of Management and attest the signature on prima facie satisfaction, but in case, any dispute is raised, the same will be referred to the Regional Level Committee. It is submitted that if in the present case there was any dispute, the District Inspector of Schools ought to have referred the matter to the Regional Level Committee, and he had no jurisdiction to pass the impugned order dated 24.3.2009.

In reply, Sri Vinod Sinha, learned counsel for the respondent nos. 5 and 6 submits that the aforesaid Government Order dated 20th October, 2008

contemplates reference to the Regional Level Committee only when there is dispute between two rival Committees of Management. The said Government Order has no application to the facts and circumstances of the present case.

It is further submitted by Sri Vinod Sinha, learned counsel for the respondent nos. 5 and 6 that the impugned order has rightly been passed by the District Inspector of Schools in view of the findings recorded in the enquiry report submitted by the Assistant District Inspector of Schools.

In view of the submissions made above, I am of the opinion that the matter requires consideration.

Counter affidavit on behalf of the respondent nos. 5 and 6 has already been filed.

Learned Standing Counsel appearing on behalf of the respondent nos. 1 to 4 may file counter affidavit within 3 weeks. Rejoinder affidavit, if any, may be filed by the next date fixed in the matter.

Heard on the question of grant of interim relief.

Having regard to the facts and circumstances of the case and having considered the submissions made by the learned counsel for the parties, it is provided that till the next date of listing, the operation of the impugned order dated 24.3.2009 (Annexure 2 to the Writ Petition) will remain stayed, but the petitioners will not incur any major expenditure without prior approval of the District Inspector of Schools, Bulandshahr and will not transfer any property of the institution in question.

List on 7th July, 2009.

The case is released from assignment. It will not be treated as tied up or part heard with me, and will be listed before the appropriate Bench.