
(2009) 05 AHC CK 0524
In the Allahabad High Court

C/M Rahul Junior High School Thru Manager and Another	APPELLANT
Vs	
State of U.P.and Others	RESPONDENT

Date of Decision : 27-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0524

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

Final Decision : Disposed Of

Judgement

S.P. Mehrotra, J.

It appears that pursuant to the election of the Committee of Management of the Society in question, namely, Rahul Junior High School, Chakrapanpur, Azamgarh, held on 8.4.2007, the Assistant Registrar, Firms, Societies and Chits, Azamgarh Region, Azamgarh by the Order dated 6.6.2008 passed under Section 4(1) of the Societies Registration Act, 1860, registered the list of officebearers submitted by Ramashrey Pandey (respondent no. 6).

The said Order dated 6.6.2008 was challenged before this Court in Civil Misc. Writ Petition No. 35160 of 2008.

By the Order dated 24.7.2008 (Annexure14 to the Writ Petition), this Court allowed the Writ Petition and quashed the said Order dated 6.6.2008. This Court further directed the Assistant Registrar to refer the dispute to the Prescribed Authority under Section 25(1) of the Societies Registration Act, 1860.

Pursuant to the said Order dated 24.7.2008, the Prescribed Authority has decided the matter by passing the impugned Order dated 7.2.2009 (Annexure15 to the Writ Petition).

It is submitted by Sri P.S. Baghel, learned Senior Counsel assisted by Sri U.K. Pandey, learned counsel for the petitioners that the questions required to be decided in view of the Order dated 24.7.2008 passed by this Court including the question as to who were the members of the General Body of the Society, as per

the list dated 2.6.1995, have not been decided by the Prescribed Authority in the impugned Order.

In reply, Sri S.K. Mishra, learned counsel for the caveator/respondent no.6 submits that the petitioner no. 2 was held to be not a member of the General Body of the Society in question by the Order dated 29.9.2006/11.10.2006. The said Order was passed by the Director of Education (Basic), Uttar Pradesh, Allahabad.

Against the said Order dated 29.9.2006/11.10.2006, a Writ Petition being Civil Misc. Writ Petition No. 60343 of 2006 was filed before this Court. The said Writ Petition was disposed of by this Court by the Order dated 13.11.2006 (Annexure8 to the Writ Petition) making certain modifications in the said Order dated 29.9.2006/11.10.2006.

It is submitted by Sri Mishra that even in the impugned Order dated 7.2.2009, the Prescribed Authority has not accepted the petitioner no. 2 to be the member of the General Body of the Society in question.

In view of the submissions made by the learned counsel for the parties, I am of the opinion that the matter requires consideration.

Learned Standing Counsel appearing for the respondent nos. 1 to 5 and Sri S.K. Mishra, learned counsel for the caveator/respondent no. 6 pray for and are granted three weeks" time for filing counter affidavit. Rejoinder affidavit 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 Committee of Management of which the respondent no. 6 is the Manager will continue to function, but the said Committee will not incur any major expenditure without seeking prior approval of the Basic Shiksha Adhikari, Azamgrh (respondent no. 3), and will not transfer any property of the institution in question.

List this case on 20th July 2009.

The case is released from assignment. It will not be treated as tiedup or partheard with me, and will be listed before the appropriate Bench.