

(2009) 05 AHC CK 0383
In the Allahabad High Court

C/M Satasi Inter College Deoria and Another

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 25-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0383

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

Final Decision : Allowed

Judgement

S.P. Mehrotra, J.

It is submitted by Sri R.C. Dwivedi, learned counsel for the petitioners that pursuant to the direction given by the District Inspector of Schools in his Communication dated 8.12.2008 (Annexure5 to the Writ Petition), the election of the Committee of Management was held on 14.12.2008 under the supervision of the Finance and Accounts Officer, Office of the District Inspector of Schools, Deoria. A Report dated 16.12.2008 (Annexure10 to the Writ Petition) was submitted by the Finance and Accounts Officer to the District Inspector of Schools, Deoria in this regard. The District Inspector of Schools, Deoria by his Communication dated 3.2.2009 (Annexure13 to the Writ Petition) addressed to the Joint Director of Education, Gorakhpur Region, Gorakhpur submitted the election papers for consideration of the Regional Committee.

It was stated in the said Communication dated 3.2.2009 that, as the election had not been held in accordance with the directions given by the District Inspector of Schools, the Committee of Management, whose term had already expired, be dissolved, and the Authorized Controller be appointed, and fresh election of the Committee of Management be held under the supervision of Prabhand Sanchalak.

It is submitted that while the matter is still under consideration of the Regional Committee, the District Inspector of Schools has passed the Impugned Order dated 20.2.2009 for single operation in the institution in question, which is not permissible in law.

It is further submitted that while the Impugned Order refers to a Communication dated 3.2.2009 sent to the Manager asking for explanation, and further refers to the fact in regard to the explanation having been submitted by the Manager on 11.2.2009, no reasons have been given for not accepting the explanation submitted by the Manager.

Sri Uma Nath Pandey, Advocate submits that he is proposing to file an Impleadment Application on behalf of Satya Narayan Pandey. He further submits that, as the matter is still under consideration of the Regional Committee, the Writ Petition filed by the petitioner is premature.

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

Learned Standing Counsel appearing for the respondent nos. 1 to 4 prays for and is granted four 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, and keeping in view the law laid down in Committee of Management Gandhi Smarak Inter College, Agra and another Vs. District Inspector of Schools, Agra and others, 2001 (2) A.W.C. 1464, relied upon by Sri R.C. Dwivedi, learned counsel for the petitioners, it is provided that till the next date of listing, the operation of the Impugned Order dated 20.2.2009 will remain stayed.

List on 27th July 2009.

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