

(2010) 06 UK CK 0051
In the Uttarakhand High Court

Gopal Singh Mehta

APPELLANT

Vs

The State of Uttarakhand and Others

RESPONDENT

Date of Decision : 25-06-2010

Acts Referred:

Citation : (2010) 06 UK CK 0051

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.

(Stay Application No. 4967 of 2010)

1. Heard Mr. D.S. Patni, Advocate, for the petitioner and Mr. P.C. Bisht, learned Brief Holder for the State-respondents Nos. 1 to 5.
2. By means of this writ petition, the petitioner has sought a writ in the nature of certiorari quashing the Order dated 9-6-2010 passed by respondent No. 4 and order dated 15-6-2010 passed by respondent No. 3(Annexure 1 & 2 respectively).
3. By order dated 9-6-2010, the District Education Officer Udham Singh Nagar-Fourth respondent, approval of the newly elected committee of management of the institution-G.B.Pant Inter College, Chakarpur was declined on the ground that the petitioner-Manager could not be a Member of the committee of management as per Clause 5(8) of the Scheme of Administration since he is a paid employee and also on the ground that as per Clause 9(3) thereof, before the election, the list of the members was not approved by the then District Education Officer.
4. Learned Counsel for the petitioner has contended that the election was conducted in compliance of the Court's order and the authorized controller has finalized the list of members pursuant to the direction of this Court given in Writ Petition No. 203 of 2010 Gopal Singh Mehta v. State of Uttarakhand and Ors.

5. By the subsequent order dated 15-6-2010 (Annexure-1 to the petition), the Additional Director of Education-third respondent has appointed the authorized controller till the formation of new committee of management.

6. Learned Counsel for the petitioner has further contended that even if it is presumed for the sake of argument that the petitioner could not be a member of committee of management, so far as the election of other members of the committee is concerned, no fresh direction can be given on the ground that the list of the members was not approved by the District Education Officer-IV respondent prior to election, since the direction was given by the Court to finalize the list by the authorized controller.

7. Learned Brief Holder for the State prays for three days" time to seek instruction.

8. Put up on 30-6-2010.

9. District Education Officer Udham Singh Nagar-respondent No. 4 shall remain present in person before this Court along with the file pertaining to the election of the committee of management of the institution-G.B.Pant Inter College, Chakarpur, Khatima, District Udham Singh Nagar.

10. The Registry shall communicate the order to the officer concerned for compliance immediately by fax.