

(2011) 06 AHC CK 0142
In the Allahabad High Court
Case No : Special Appeal No.1132 of 2011

Krishna Gopal Singh

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 03-06-2011

Acts Referred:

Citation : (2011) 06 AHC CK 0142

Hon'ble Judges : Arun Tandon, J and Jayashree Tiwari, J

Final Decision : Disposed Of

Judgement

1. With the consent of the parties the present Special Appeal is being decided without calling for any further affidavits specifically in view of the order proposed to be passed today by the Court.

2. The petitioner/appellant filed writ petition before this Court being Writ Petition No.32549 of 2011 challenging the electoral college which had been notified under the signature of the District Inspector of Schools for the purpose of holding elections of the Committee of Management of Janta Inter College, Khurhand, District Banda, which is an aided and recognized Intermediate College. The learned Single Judge vide order dated 31.05.2011 has refused to interfere with the order determining the electoral college on the ground that the elections schedule has already been notified and the elections are to commence from 18.05.2011. It is against this order that the present Special Appeal has been filed.

3. According to the petitioner, the legality of the electoral college is a condition precedent for any valid elections being held and, therefore, the learned Single Judge should have interfered and should have examined the issue raised on merits.

4. We are of the considered opinion that the elections of the Committee of Management of a recognized Intermediate College cannot take effect unless they are approved by the concerned Educational Authorities. Therefore, in the facts of

the case and in the interest of justice we dispose of the present Special Appeal by providing as follows:

(I) The petitioner will be at liberty to challenge the elections which have been held or may be held for constituting the Committee of Management of the institution by making a representation before the District Inspector of Schools, within two weeks from today along with a certified copy of this order.

(II) The District Inspector of Schools shall after affording opportunity of hearing to the elected office bearer and the petitioner shall consider as to whether a dispute has arisen in respect of the Committee of Management which requires consideration by the Regional Level Committee in terms of the Government Order dated 18.12.2000 as explained vide subsequently or not.

5. In case, the answer to the aforesaid question is in affirmative he shall refer the dispute to the Regional Level Committee, which shall consider the matter after affording opportunity of hearing to the parties by means of the reasoned order. If the answer to the aforesaid question is in negative, the District Inspector of Schools shall pass a reasoned order in accordance with law.

6. The aforesaid exercise shall be completed within four weeks from the date the representation alongwith certified copy of this order is filed before him.

7. The order of the learned Single Judge dated 31.05.2011 is modified to the extent indicated above.

8. The special appeal is disposed of.