

(1999) 11 GUJ CK 0030

In the Gujarat High Court

Case No : Special Civil Application No. 5499 of 1987

M.A. Shaikh

APPELLANT

Vs

Punamchand P. Patel

RESPONDENT

Date of Decision : 02-11-1999

Acts Referred:

Citation : (1999) 11 GUJ CK 0030

Hon'ble Judges : R.K. Abichandani, J

Bench : Single Bench

Advocate : M.R. Anand, for the Appellant; Harin Raval, for P.M. Raval and V.M. Pancholi, AGP for the Resp. No. 5, for the Respondent

Final Decision : Dismissed

Judgement

R.K. Abichandani, J.—The petitioners have challenged the notice at Annexure "E" dated 29.9.1987, postponing the proceedings of 30th Sept. 1987 of the Primary Education Committee and the order at Annexure "G" dated 1.10.1987, requiring the existing Chairman and Vice-Chairman to continue until the election for the post of Chairman and Vice Chairman of the Primary Education Committee. The Court had, while issuing rule on 15.10.87, granted ad-interim relief in terms of para 13, thereby preventing further implementation of the order at Annexure "G". The petition was filed on 13.10.1987 and it was stated therein that the last election of the Nagar Palika was held in 1986 and the election of the Primary Education Committee, which is to be constituted after every election of the Nagar Palika also took place in Nov. 1986. u/s 8 of the Gujarat Municipalities Act, 1963, the Councillors elected or nominated at a general election under the said Act, hold office for a term of five years. u/s 6(2) of the Bombay Primary Education Act, 1947, it is provided that whenever a new authorised Municipality has been constituted, it shall elect the members of the school Board (now the Primary Education Committee), as soon as possible. During the pendency of the petition, it is stated by the learned Counsel, more than one elections to the Municipality have taken place, requiring the new Primary Education Committee to be

constituted after such election. In this view of the matter, the present petition has become infructuous and is rejected as such. Rule is discharged with no order as to costs. Interim relief stands vacated.