



16.9.2012. Item No.2 in the newspaper Notification is of nomination which is to take place on 23.9.2012 after finalization of nomination.

There is, therefore, a gap of one week between the date of publication of membership list and the nomination. The apprehension in the mind of the petitioner, therefore, is premature at this stage and it is open to him to raise any objection to the membership as and when the occasion arises.

I am not inclined to interfere with the process of election at this stage.

The writ petition is dismissed."

The elections were being proceeded with and it appears that this information was given by the petitioner to the SubDivisional Magistrate, Chunar, Mirzapur, through an application. The said authority on 13.9.2012 passed an order that the elections should be held from amongst the old list or else the election be stayed. It is this order which has been challenged contending that the order is without jurisdiction.

Sri Pal, learned counsel for the contesting respondents, has very fairly stated that this order is indefensible in law. The learned Standing Counsel has not taken any different stand. The order dated 13.9.2012 is absolutely without jurisdiction as it interferes with the election process that too by the SubDivisional Magistrate, who has no authority to pass such orders with regard to the elections of the Management of an Inter College.

The writ petition is allowed. The order dated 13.9.2012 is hereby quashed.