
(2010) 04 AHC CK 0150
In the Allahabad High Court
Case No : Special Appeal No. 386 of 2010

Radhey Raman Gupta and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 19-04-2010

Acts Referred:

Citation : (2010) 04 AHC CK 0150

Hon'ble Judges : R.K.Agrawal, J and Jaya Shree Tiwari, J

Final Decision : Disposed Of

Judgement

Mrs. Jayashree Tiwari, J.—The present special appeal has been filed against the judgment and order dated 9.3.2010 passed by the learned Single Judge wherein the learned Single Judge had dismissed the writ petition with a direction to the appellants herein to raise objections about validity of the elections before the Regional Level Committee after declaration of the result of the elections. The situation under which elections of the Committee of Management of the institution TGCJS Hindu Inter College Amroha, J.P. Nagar had been directed to be held under supervision an independent officer to be appointed by the Joint Director of Education had been mentioned in the Special Appeal Defective No. 288 of 2010 decided today and therefore there is no repetition herein.

2. This appeal is offshoot of the earlier proceedings. The appellants have approached this Court challenging the elections held by the independent officer appointed by the Joint Director of Education on the ground that in the advertisement published on 16.2.2010 in Hindi daily "Amar Ujala" the name of Raj Nath Gupta, President and Mahesh Chandra, Manager have also been mentioned. According to him, the advertisement notifying the elections is therefore vitiated and is in violation of the earlier order passed by this Court on 11.2.2010 before the learned Single Judge. It was also the case of the violation that the Regional Level Committee consisted of three person whereas at present only two members are available and therefore a direction be issued to the Director of Education to institute a Regional Committee of three members in

accordance with Government Order dated 19.12.2000. Learned Single Judge had dismissed the writ petition on the ground that as the elections have been held the objections regarding elections can also be raised before the Regional Level Committee after the results are declared.

3. We have heard Sri W.H.Khan, learned Senior Advocate assisted by Sri J.H. Khan and Sri Gulrez Khan on behalf of appellants, learned Standing Counsel who represents respondents no. 1,2,3 and 5 and Sri Irshad Ali who represents respondent no. 6.

4. Sri W.H. Khan reiterated the same arguments which were advanced before the learned Single Judge. Sri Irshad Ali, however, submitted that the order of the learned Single Judge does not call for any interference as the appellants have been given permission to raise an objection regarding validity of the elections before the Regional Level Committee.

5. We have given our consideration to the rival submissions made by the learned counsel for the parties. We find that the plea that the independent officer appointed by the Joint Director of Education has acted contrary to the directions issued by this Court on 11.2.2010 is wholly misplaced. The learned Single Judge had observed in the order dated 11.2.2010 that in case the officer appointed raise objections that the elections cannot be held on the date notified, he shall be at liberty to notify a fresh schedule. The only limitation being that the elections have to be held within a period of one month. From the reading of the aforesaid direction, it is apparently clear that the independent officer had an option to proceed with the election schedule already notified which in the present case had been done by the advertisement dated 16.2.2010. Merely because the names of the President and the Manager have been mentioned in the advertisement would not make any difference. So far as the plea that at present there is no Regional Level committee is concerned, we feel it proper that the Director of Education to constitute a Regional Level Committee consisting of three members in terms of the Government Order dated 19.12.2000 within a period of one month from the date a certified copy of this order is filed before the Director of Education. Order of the learned Single Judge to this extent is modified.

6. The Special Appeal is disposed of with the aforesaid observations.