

(2008) 03 AHC CK 0193
In the Allahabad High Court

Ram Asrey Verma and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 28-03-2008

Acts Referred:

Citation : AIR 2008 All 126

Hon'ble Judges : Pradeep Kant, J; Narayan Shukla, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Shri B.S. Yadav, learned Counsel for the petitioner says that despite the fact that the term of the Committee of Management has come to an end, the Administrator has been appointed u/s 29(5) though elections have not yet been held. Time was granted to the State to obtain instructions, but no instructions have been received.

2. Learned Counsel for the petitioner and Shri T.J.S. Makkar, learned Standing Counsel say that the writ petition may be disposed of finally.

3. Without entering into the merits of the case as to why elections have not been held, we would like to observe that the purpose of Section 29, Sub-clause (5) of the Act is not to take control of the Committee of Management of the Society by appointing Administrator and then to continue with the Administrator without holding elections. The purpose of the aforesaid provision cannot be used as a tool for replacing the elected body of a Committee of Management by Administrator in case elections could not be held for any reason whatsoever and moreso when for no fault of the Committee of Management itself the Administrator is appointed on the expiry of the term, whose sole obligation is that the elections are conducted without any delay and handing over the charge of management to the newly elected Committee of Management. It is not the discretion of the Registrar to appoint the Administrator in every case, where the Registrar himself sit tight over the matter despite the request being made by the Committee of

Management well in time for holding election. The appointment of Administrator is not for managing the affairs of the aforesaid Committee of Management for all times to come or for any unreasonable delay. It is only for looking after the affairs of the aforesaid committee during the period when the elections are to be held.

4. In the instant case, the term of the elected Committee of Management came to an end on 5th September, 2007, as a result of the reduction of the term from 5 years to 2 years in pursuance of the U.P. Ordinance No. 34, the administrator was appointed but till date elections have not yet been held.

5. We are informed that date of election was notified but it has been postponed on the ground that the examinations of U.P. Board of High School and Intermediate have intervened In the meantime. We find that this can hardly be a reason for postponing the elections. We do not enter into the legality or the validity of the appointment of the Administrator or the postponement of the elections, but we direct that the elections shall be held by the Registrar within a period of four months from the date of receipt of a certified copy of this order. On holding of the election, the charge shall be handed over to the newly elected Committee of Management.

Writ petition is accordingly disposed of.