
(2012) 12 AHC CK 0076

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 56229 of 2008

Ran Veer Singh

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 05-12-2012

Acts Referred:

Citation : (2012) 12 AHC CK 0076

Hon'ble Judges : Sibghat Ullah Khan, J

Final Decision : Dismissed

Judgement

Sibghat Ullah Khan, J.

Petitioner claims that he was manager of Committee of Management Gram Samaj Uchchattar Madhyamik Vidyalaya Lodha, Aligarh prior to 1991 and is also life member of the Society which elects the Committee of Management (para6 of writ petition). The Court wonders whether the school/college is of gram Samaj or is managed by some private society. It is further mentioned that prior to 1998 college was under Management of authorised controller (para7 of writ petition) who held the elections on 9.8.1998 (para10) and thereafter the Committee of Management which had been elected in 1998 held election after 9 years i.e. in 2007. The said election of Committee of Management and its recognition by educational authorities has been challenged through this writ petition. The challenge is on the ground that in view of authority of this Court reported in Committee of Management P J N Inter College Vs. D.D.C. Gorakhpur AIR 2005 Allahabad 101 (F.B.) an outgoing Committee of management can not hold the election after expiry of its terms. Through this writ petition, order/communication dated 26.6.2008 passed/issued by Regional Joint Director of Education Aligarh stating that the Regional committee in its meeting held on 13.6.2008 approved the election of Committee of management of the College in question held on 14.10.2007 and the consequent order of District Inspector of Schools, Aligarh dated 2.7.2008 have been sought to be quashed. From the perusal of the impugned order it is quite clear that neither any dispute was

raised before the D.I.O.S. nor before the regional Committee constituted under the G.O. dated 19.12.2000. In paras 14,15,16 of the writ petition it is mentioned that objections were filed on 28.9.2007 and 5.10.2007 which were received in the office of respondent no.4 i.e. D.I.O.S. Aligarh. Annexure IV and V are photo state copies of objections containing stamp of D.I.O.S. and illegible cryptic signatures of receipt. The experience of the court is that persons interested in the disputes of managements of educational institutions in U.P. have got prepared and keep ready with them such types of stamps and at any point of time they can manufacture applications etc showing their receipt by the D.I.O.S. or any other officer/authority on any convenient back date. No such assertion can be believed unless it is shown that application etc. was sent through registered post. It has also not been stated that why immediately after the expiry of period of election which is four years no objection was taken by the petitioner or other members of the society. Learned counsel for the petitioner on inquiry from Court is unable to give any reason for this inordinate delay. Petitioner did not even allege that he contested the elections of 2007.

Learned counsel for the petitioner has mainly argued that the Committee of Management, respondent no.5 has not filed any counter affidavit and its learned counsel is not even present. However, petitioner has to prove his case by himself.

In case petitioner was interested in proper management of the school and in case after September 1998 no election took place until 2007 then in September 2002 petitioner should have approached the authorities or this Court for appointment of authorised controller as earlier also authorised controller had been appointed. He did not even contest the election of 2007.

The full bench authority cited by learned counsel for the petitioner (supra) mainly deals with the point that while deciding effective control under Section 16A(7) of U.P. Intermediate Education Act prima facie validity of election shall be seen.

In Dr. P.P. Rastogi and others Vs. Meerut University, Meerut and another 1997(1) U.P.L.B.E.C. 415 (D.B.) it has been held that even individual member of Committee of Management can not challenge any action. On the same ground one or few members of the society can not challenge the elections. In 2011 fresh elections must have been held.

Accordingly, writ petition is dismissed.