
(2003) 08 JH CK 0024

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3620 of 2003

Sheodeep Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 01-08-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 3 JCR 573

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Rajendra Prasad Singh and Sanjay Kumar Pandey, Sujit Narayan Pd., Manoj Tandon, Vivek Kumar Singh and O.P. Mishra, for the Appellant; Shamim Akhtar, SC II, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhyaya, J.—This application has been preferred by the petitioner for issuance of an appropriate writ/ writs, direction/directions or order/orders commanding upon the respondents to forthwith quash the directions issued by the 4th respondent-Jai Shankar Tiwari the then Deputy Commissioner, Ranchi under whose directions, local elected Committee of the petitioner's school, namely, D.A.V, School, Dhurwa has been ousted and one another group of persons has been permitted to take all the administration and managerial work of the school.

Further prayer has been made to direct the respondents to permit the legally elected Managing Committee to take over the administration and management of the school pursuant to the election held on 30th June, 2002.

2. According to the petitioner, the last election of Arya Samaj was held on 6th October, 2002 in which seven Office Bearers were elected, - namely, (i) Pradhan; (ii) Deputy Pradhan; (iii) Mantri; (iv) Deputy Mantri; (v) Treasurer; (vi) Librarian; and (vii) Adhishtatha Arya Dal, which was functioning since its election. The

election of local Managing Committee was held on 30th June, 2002 in which petitioner was nominated as President along with other Officer bearers. But all of a sudden, some unknown persons started interfering with the administration and management of the school creating disturbances In smooth functioning of the school which is being done by the local Managing Committee.

3. It appears that the petitioner lodged one FIR against some known persons under Sections 420, 467, 468, 471 of the IPC, registered as Hatia P.S. Case No. 21 of 2002 in pursuance of which police investigated the matter and submitted final form against certain persons. Some of them stated to have been arrested and are in jail custody.

4. The petitioner has alleged that certain dismissed teachers, such as Indradeo Verma; Suresh Singh, Jaush Singh etc. along with others entered into the school premises on 7th May, 2003 and started assaulting the staff and officials of the school for which the petitioner had to approach Hatia Police Station. Certain persons were arrested.

5. The petitioner alleged that the district administration as well as police forcibly taken over the charge from the duly elected Managing Committee on 11th June, 2003 and later on substituted a so-called Managing Committee of local unknown persons on 16th June, 2003 in place of duly elected Managing Committee. The petitioner moved before the Deputy Commissioner who instead of taking action against the law breaker, on 29th June, 2003 passed order directing the parties to move before the Court of competent jurisdiction.

6. On hearing the parties and after perusal of the enclosures, I find that there is nothing on the record to suggest that a validly elected committee has been displaced by another Managing Committee at the instance of the district administration. One or other newspaper report enclosed by the petitioner cannot be relied upon to give a finding of fact.

7. According to this Court, the Deputy Commissioner. Ranchi rightly held that the dispute is purely a civil dispute between two groups of non-Government Organisations and observed that either of the party may take shelter of competent Civil Court for redressal of grievance, as advised by the Government Advocate. This is apparent from Memo No. 468 dated 29th June, 2003.

8. In view of the nature of the case, this Court is not inclined to interfere with the matter. In this background, it is not necessary to hear the Intervener and/or to discuss about it.

9. The writ petition is dismissed, but with liberty to petitioner to move before a Civil Court of competent jurisdiction for redressal of grievance.