

(2010) 11 AHC CK 0366
In the Allahabad High Court
Case No : Writ C. No. 66810 of 2010

Shiv Charan Singh and Another	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 16-11-2010

Acts Referred:

Citation : (2010) 11 AHC CK 0366

Hon'ble Judges : Dilip Gupta, J

Bench : Single Bench

Judgement

Dilip Gupta, J.—This petition seeks the quashing of the order dated 11th August, 2010 passed by the District Inspector of Schools, Varanasi by which the elections of the Committee of Management of the Institution with Janardan Singh as the Manager held on 9th June, 2010 have been approved.

2. The records of the writ petition indicate that prior to the holding of the elections, the Petitioners along with two others had earlier filed Writ Petition No. 16745 of 2010 which was disposed of by the judgment and order dated 31st March, 2010 with a direction to the Petitioners to raise all objections before the appropriate authority regarding the validity of the electoral college after the elections are held and the result is declared.

3. It is the contention of the learned Counsel for the Petitioners that the Petitioners had sent an application to the District Inspector of Schools, Varanasi on 1st July, 2010 through speed post raising objection about the validity of the electoral college, but without considering the said application, the District Inspector of Schools has passed the impugned order.

4. Sri G.K. Singh, learned Counsel appearing for Respondent No. 6-Committee of Management, however, contended that the impugned order does not make any mention of the judgment and order dated 31st May, 2010 passed by the Court in Writ Petition No. 16745 of 2010 since there is nothing on the record to indicate that the said judgment and the objections were actually filed by the Petitioners

before the District Inspector of Schools because the speed post receipt or any other document confirming the receipt of the said application has not been placed on record and even paragraph 35 of the writ petition in which such averments have been made has been sworn on personal knowledge.

5. It may not be necessary to examine this controversy as the Petitioners can approach the Regional Level Committee. This Regional Level Committee has been constituted under the Government Order dated 19th December, 2000 as subsequently modified by the order of 2008 in which the District Inspector of Schools has been given the power to approve the election under certain conditions. The Regional Level Committee consists of the Joint Director of Education, Deputy Director of Education and the District Inspector of Schools concerned. They would be in a better position to examine the factual disputes regarding the electoral college raised in the present petition.

6. The Petitioners may, therefore, approach the Regional Level Committee and the Court has no reason to doubt that in case such a representation is filed, the Regional Level Committee shall take a decision after hearing the parties concerned expeditiously, preferably within a period of three months from the date of filing of the representation along with a certified copy of this order.

7. The writ petition is disposed of subject to the observations made above.

8. It is made clear that the Court has not adjudicated upon the merits of the case, which shall be examined by the Regional Level Committee in accordance with law.