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**(2010) 08 AHC CK 0385**  
**In the Allahabad High Court**

S.P.G. Inter College and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 28-08-2010

**Acts Referred:**

**Citation :** (2010) 08 AHC CK 0385

**Hon'ble Judges :** Shishir Kumar, J

**Bench :** Single Bench

**Final Decision :** Disposed Of

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## Judgement

Shishir Kumar, J.—Heard learned Counsel for the parties.

2. Petitioners are aggrieved by the order impugned by which the alleged election held by the respondent has been recognized and signatures have been attested. According to petitioners, the last election was held on 24.05.2005 and according to Scheme of Administration the term of Committee of Management is four years, therefore, it has already expired on 24.05.2009. There is a provision that after expiry of the term, the erstwhile Committee of Management cannot hold the election for the next term under his supervision. As regards expiry of the term of the earlier Committee of Management, it is clear from order dated 15.06.2010, passed by the District Inspector of Schools, who while passing the order appointing the Authorized Controller has stated that the term of the Committee of Management has already expired one year before. In such circumstances, learned Counsel for the petitioners submits that the election cannot be held under the supervision and under the guidance of the erstwhile Manager, therefore, the District Inspector of Schools has got no authority in law to attest the signature. Learned Counsel for the petitioners has placed reliance upon a Division Bench judgment of this Court reported in (1995) 1 UPLBEC 149; Committee of Management, Brig. Hoshiyar Singh Memorial Uchchatar Madhyamik Vidyalaya, Shamli, District Muzaffar Nagar and Anr. v. Deputy Director of Education, Ist Region, Meerut and Ors. The Division Bench of this Court has taken a view that if the life of the Committee of Management is three years and

one month, after the expiry of which, its term will come to an end automatically even if the new Committee of Management has not been elected. Further observation has been made by the Division Bench of this Court that it is settled law that life of Committee of Management comes to an end after the expiry of the period mentioned in the Scheme of Administration and it is not open for office bearers to hold the election of new Committee of Management thereafter. In such circumstances, learned Counsel for the petitioners submits that attestation of signature and recognition of election of respondent No. 4 is totally illegal and mere violation of the judgment of Division Bench of this Court.

3. On the other hand, learned Counsel for the respondent No. 4 submits that petitioners have not annexed copy of the Scheme of Administration, therefore, it cannot be said and held that the term of the Committee of Management has already expired and the respondent No. 4 cannot hold the election. The Joint Director of Education has an authority to extend the term and can permit the erstwhile Committee of Management to hold the election. In such circumstances, learned Counsel for the respondent submits that in case petitioners are having any objection, they can raise the dispute before the Regional Level Committee.

4. I have considered the submissions of learned Counsel for the parties and perused the record. From the record, it is clear that the last election of Committee of Management was held on 24.05.2005. The order dated 15.06.2010, by which the District Inspector of Schools has passed an order of single operation clearly indicates that the term of the Committee of Management has already expired about one year before. Therefore, in my opinion, election of the respondent is not acceptable in view of non-filing the copy of Scheme of Administration regarding verification of the term of Committee of Management and the rider regarding one month after expiry of the term of Committee of Management. Further, in view of the Division Bench judgment of this Court it is not permissible to hold the election by the Committee of Management whose term has already expired. In such circumstances, the attestation itself is bad. But, anyhow, as submitted, these are the questions to be considered by the Regional Level Committee, therefore, this writ petition can be disposed of finally directing the petitioners to approach the Regional Level Committee within a period of two weeks. If petitioners approach the Regional Level Committee within the aforesaid period, the Regional Level Committee is directed to decide the dispute after affording full opportunity to the affected parties within a period of one month, thereafter. It is further provided that till the decision is taken by the Regional Level Committee, the District Inspector of Schools is directed to manage the affairs of the Institution.

5. The writ petition is disposed of accordingly.

6. No order as to costs.