

(2023) 11 UK CK 0013

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3073 Of 2023

Vikrant Tiwari

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 02-11-2023

Acts Referred:

Citation : (2023) 11 UK CK 0013

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : S.K. Mandal, Anil Dabral

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. By means of the instant petition, the petitioner seeks the following reliefs:-

“(i) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to permit the petitioner for contest the election of President for the Academic Session 2023-24 of Government Degree College, Sitarganj, District Udham Singh Nagar and also issue the nomination form as per the election scheme issued by the respondent no.3 (contained in Annexure No.3 to the writ petition).

(ii) Issue a suitable writ order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(iii) Award the cost of the petition and may be given to the petitioners.”

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that he is a student of B.Com IIIrd Year in Government Degree College, Sitarganj, District Udham Singh Nagar (“the college”). He has been preparing for contesting the election of President, but, from this year onwards, Post Graduate classes have already been started in the

college. It is also the case of the petitioner that as per the scheme of election, the position of President Student Union is filled up by a Post Graduate student. The petitioner seeks directions that since the admission in the Post Graduate classes are still underway, the students may not fulfil the criteria of attendance. Therefore, this year, the election may be conducted as it was held in the previous years, and the petitioner may be permitted to contest the election of the President.

4. Learned counsel for the petitioner would submit that the petitioner has been preparing for elections for many months; he is in the final year of his three years Graduation course; this year, the college has been taking students for Post Graduate courses, and as per the scheme, the admission process would continue from 31.10.2023 to 04.11.2023, whereas, according to the scheme of election, the nomination for the election is to be done till 3:00 PM tomorrow, i.e. 03.11.2023. He would submit that he has already given a representation to the Principal of the College, but no decision has been taken.

5. Reference has been made to various documents in support of the argument.

6. Admittedly, for the Student Union Election, the post of President may be contested by a Post Graduate course student, where there are Post Graduate classes. Admittedly, in the college, from this year onwards, according to the petitioner, admissions are being taken for Post Graduate classes.

7. Learned State Counsel would submit that till 01.11.2023, 48 students have already been admitted in Post Graduation under various disciplines.

8. If the scheme envisages that the position of the President may be contested by a Post Graduate course student, how could the petitioner make his claim? If the Post Graduate course students have yet not attended the classes, what would be its effect? Or, if none from the Post Graduate classes makes nomination, what would be the next step? This may, perhaps, be taken into consideration by the Principal of the college. Merely on the ground that Post Graduate courses are yet to begin, the petitioner may not be granted the reliefs, which he seeks.

9. However, it is also true that if the petitioner has made a representation to the Principal of the college, it is the duty of the Principal of the college to decide the representation of the petitioner before closure of the time for nomination.

10. In view of what is stated hereinabove, this Court is of the view that there is no reason to make any interference in the writ petition. It deserves to be dismissed at the stage of admission itself.

11. The petition is dismissed in limine.