

(2021) 10 UK CK 0169

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2192 Of 2021

Wing Commander Mohit Kumar Garg

APPELLANT

Vs

Director, Technical Education, Government Of Uttarakhand &
Others

RESPONDENT

Date of Decision : 27-10-2021

Acts Referred:

Citation : (2021) 10 UK CK 0169

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : P.C. Pethshali, T.S. Phartiyal, Pankaj Semwal, Parikshit Saini

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has sought following relief:-

(i) Issue a writ order or direction in the nature of mandamus to directing the respondent no. 1 to conclude the process of nominating the Chairman of Committee of Management of Kanahiya Lal Polytechnic (Respondent no. 2), expeditiously and within a stipulated period.

(ii) Issue a writ order or direction in the nature of mandamus to direct the respondent no. 3 to conclude the process of appointment of new trustees in K.K. Trust, expeditiously.

(iii) Issue a writ order or direction in the nature of mandamus to direct the respondent no. 1 to decide the petitioner's representation dated 17.09.2021 (Annexure-8) expeditiously and within a stipulated period and in accordance with law.

2. Mr. T.S. Phartiyal, learned Additional C.S.C. appearing for the State of Uttarakhand has pointed out that as per Scheme of Administration of Kanhiya Lal Polytechnic, Roorkee, District Haridwar, the Committee of Management has to

prepare a panel, containing three names and send the same to the Director, Technical Education, Uttarakhand for appointment of Chairman of Committee of Management. He further submits that Committee of Management has not prepared the panel in terms of provision contained in Scheme of Administration. Thus, according to him, Chairman of Committee of Management cannot be appointed by the State Government, unless a panel is prepared by the Committee of Management.

3. In such view of the matter, the reliefs, as claimed, cannot be granted.

4. However, having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to respondent no. 2 to initiate process for preparation of panel for appointment as Chairman within eight weeks from today. The Committee of Management shall send the panel of names to the State Government within two months thereafter. The Competent Authority shall pass appropriate order in the matter within two months after receiving the panel of names from the Committee of Management.

5. Since this Court has not entered into the merit of the case, therefore, petitioner shall be at liberty to approach this Court again, if need be.