
(2022) 04 UK CK 0026

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 495 Of 2022

Wing Commander Mohit Kumar Garg

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 05-04-2022

Acts Referred:

Citation : (2022) 04 UK CK 0026

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Rakesh Thapliyal, P.C. Pethshali, H.M. Raturi

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

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

(i) Issue a writ order or direction in the nature of certiorari quashing the panel of three names for appointment as Chairman of managing committee of K.L. Polytechnic, prepared in the meeting held on 24.12.2021 under the chairmanship of Pramod Dayal/Respondent no. 5, along with letter dated 6.1.2022 forwarding the panel of three names for further action to the Director Technical Education, Uttarakhand/Respondent no. 2 (Annexure-3)

(ii) Issue a writ order or direction in the nature of mandamus directing the respondents to sent the other three names i.e. Petitioner, Salekh Chand & Dr. Sharad Jain, in preference except those who themselves attend the meeting held on 24.12.2021 with a further direction to the Director Technical Education, Uttarakhand/Respondent no. 2 to take further action for appointment of Chairman of managing committee of K.L. Polytechnic.

2. Committee of Management of Kanahiya Lal Polytechnic, Roorkee, District Haridwar held a meeting on 24.12.2021, in which a panel of three names was prepared and sent to Director, Technical Education, Uttarakhand for appointment

of Chairman of the Management Committee.

3. Grievance of the petitioner is that name of a person, who had participated in the said meeting, was also included in the panel of three names, in contravention of the Scheme of Administration. Petitioner has challenged the panel on this ground that it is prepared in violation of the Scheme of Administration. He also made further prayer to direct the respondents to remove name of the person, who participated in the meeting, from the panel and instead recommend the petitioner for appointment as Chairman.

4. During the course of argument, a notice dated 25.03.2022 issued by Secretary/In-charge Principal, Kanahiya Lal Polytechnic was produced in Court. Perusal of the said notice reveals that Director, Technical Education, Uttarakhand had returned the panel of names, which was sent to him for appointing a Chairman in terms of Resolution dated 24.12.2021. Director has further requested to the Managing Committee to prepare fresh panel.

5. In view of this development, the relief as claimed in the writ petition does not survive, as the impugned panel has been returned back by the Director, Technical Education, Uttarakhand.

6. Accordingly, writ petition is dismissed, as infructuous.

7. Mr. Rakesh Thapliyal, learned Senior Counsel appearing for the petitioner has apprised the Court that a meeting of the Managing Committee is scheduled to be held on 12.04.2021. If it is so, this Court hopes and trusts that fresh panel shall be prepared by following the provisions of Scheme of Administration of the society.

8. Let certified copy of this order be supplied to the petitioner within 24 hours, as per rule.