

(2004) 10 AHC CK 0215

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 43077 of 2004

Yatendra Nagar

APPELLANT

Vs

Vice-Chancellor, Chaudhary Charan Singh University and
Others

RESPONDENT

Date of Decision : 11-10-2004

Acts Referred:

Citation : (2005) 5 AWC 4336

Hon'ble Judges : Arun Tandon, J

Bench : Single Bench

Advocate : Deepak Jaiswal, for the Appellant; Anurag Khanna, Piyush Shukla, S.C. and S.C., for the Respondent

Final Decision : Dismissed

Judgement

Arun Tandon, J.—Heard Sri Deepak Jaiswal, learned counsel for the petitioner, Sri Anurag Khanna, learned counsel for the respondent Nos. 1, 2, 4 and 5 and Sri Piyush Shukla, learned Standing Counsel for the respondent No. 3. It is not necessary to call for counter affidavit from the respondents in view of the order proposed to be passed by this Court in the present writ petition.

2. Petitioner, namely, Sri Yatendra Nagar, who is a student of L.L.B. three year Course in M.M.H. College, Ghaziabad an institution affiliated to the Chaudhary Charan Singh University, Meerut (hereinafter referred to as the University) has filed this writ petition with the reliefs quoted herein below:

(ii) issue a writ, order or direction in the nature of Mandamus commanding the respondents not to, proceed in conducting the election of students union of University Campus scheduled to be: held on 16.10.2004 by filing nominations on 10.10.2004.

(iii) issue a writ, order of direction in the nature of Mandamus commanding the respondents to hold conduct election of the Students" Union of all affiliated Colleges of the University simultaneously in pursuance of the Government Order

(iv) issue any other writ order for direction which this Court may deem fit and proper in the facts and circumstances of the case."

3. According to the petitioner the election, which is now being notified for the Students' Union of University Campus for the academic year 2004-05 cannot be permitted to be held as per the agenda notification dated 6th October, 2004 on the following two grounds, namely, (a) Admission of students to Post Graduate classes in various subjects run by the University in its Campus have yet not been completed, therefore, the student admitted, subsequently to 6th October, 2004 in the aforesaid post graduate courses would be deprived of their rights to participate and contest the elections of Students' Union of University-Campus, (b) under the letter dated 29th July, 2004 the University has required the Principals of the affiliated institutions to get a fee of Rs. 10/- deposited from each student of the affiliated colleges for the purpose of constituting their unions and for getting their elections held, therefore the Students' Union in affiliated degree colleges must be held within two months along with the election of Students' Union of University-Campus of University. have heard learned counsel for the parties and have gone through the records of the present writ petition. The present writ petition filed by the petitioner is totally misconceived. The petitioner is a student of a LL.B. three years Course of M.M.H. College, Ghaziabad which is affiliated to the University. Neither the petitioner is member of the Students' Union of University-Campus of the University nor he is entitled to participate in the elections of Students' Union of University-Campus of the University or to contest the elections, which are being held under the notification dated 6th October, 2004, which is under challenge in the present writ petition.

4. It is settled law that the right of a student to or test or participate in the elections of the Students Union is not a fundamental right but only a statutory right conferred by the relevant statutes. If the relevant statutes do not permit participation of students like the petitioner in the elections of the Students Union of University-Campus, he cannot have any grievance whatsoever in the matter. The petitioner has admittedly not being admitted in the University nor he is a member of the University Campus Students Union, election! with respect whereof are to be held under the impugned orders. Therefore, the petitioners cannot question the, elections which are to take place under the notification dated 6th October, 2004.

5. So far as the second ground raised, by the petitioner is concerned, there is no provision in any of the statutes of the University or ordinances issued thereunder or Government order providing that the elections of the University must take place- simultaneously with the elections of the Students Union of affiliated college.

6. This Court further fails to appreciate as to how and on what basis the petitioner on the basis of the letter dated 29th July, 2004 which only requires the

Principals of the affiliated colleges to get a sum of Rs. 10/- deposited as student fed towards the Students Union for the purposes of getting the" elections of Students Union held, contends that the elections of the Students Union of the University Campus and that of the affiliated colleges should be held simultaneously. In view of the aforesaid it is apparent that the aforesaid grounds are not tenable in the eyes of law.

7. At this stage, the petitioner insisted that the writ petition No. 35928 of 2004 may be connected with the present writ petition which according to the petitioner has been filed by the principals of affiliated colleges of the University objecting to the letter dated 29th July, 2004 providing for constitution of Students Union and for getting its elections held. From the statement made by the petitioner, it is apparently clear that the ground and relief prayed for in the said writ petition are totally unconcerned with the relief prayed in the present writ petition. Therefore the question connecting this writ petition with petition No. 35928 of 2004 does not arise.

8. In such circumstances, this writ, petition is dismissed.