

Court No. - 10

Case :- WRIT - C No. - 14567 of 2023

Petitioner :- Chatriya Sthaniya Sabha Jaunpur And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ajay Singh,Rajendra Pratap Singh,Saurabh Singh

Counsel for Respondent :- C.S.C.,Abhinav Gaur,Vibhu Rai

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Amrendra Nath Singh, learned Senior Counsel assisted by Shri Shaurya Sharma, learned counsel for the petitioners, learned Additional Chief Standing Counsel for respondent nos.1 and 3, Shri Vibhu Rai for respondent no.4 and Shri Rajendra Pratap Singh who has filed impleadment application on behalf of one Prabhakar Singh.

2. Insofar as the impleadment of Shri Prabhakar Singh is concerned, Shri Amrendra Nath Singh, learned Senior Counsel submits that without any malicious intention, inadvertently, in 'paragraph 26' of the writ petition, name of Shri Prabhakar Singh was mentioned with certain allegations, however, the petitioners do not want to press the said allegations before this Court and, as a matter of fact, 'paragraph 26' of the writ petition may be expunged. The prayer by Shri Amrendra Nath Singh is accepted and pleadings contained in 'paragraph 26' of the writ petition stand **expunged.**

3. In view of the above, there is no necessity to allow impleadment application of Prabhakar Singh and the application stands **rejected.**

4. As regards merits of the writ petition, the order impugned dated 31.01.2023 has been challenged on the ground that signatures of respondent no.4 were illegally and wrongly attested by the District Inspector of Schools and that the elections which were relied upon by the said respondent, were held contrary to the provisions contained in the Bye-laws of the Society. Shri Singh has referred to various documents and submits that once the matter was referred to the Regional Level Committee by the Authorities themselves, it was not open for the District Inspector of Schools to attest signatures of respondent no.4 and, that too, the same day on 31.01.2023 on which date, another letter just prior to the issuance of the order impugned was issued.

5. Shri Vibhu Rai, learned counsel for the respondent no.4 submits that elections have been held strictly in accordance with law.

6. This Court, from the perusal of order sheets, finds that *vide* order dated 01.05.2023, the Regional Level Committee was directed to conduct hearing on day-to-day basis and submit its report on the next date of listing.

7. The report/order of the Regional Level Committee attached to letter dated 22.05.2023 issued by the Joint Director of Education has been placed before this Court which is taken on record.

8. The report/order records various observations with respect to the elections and though different interpretations are being made by learned counsel appearing for both the sides with regard to the said report/order, considering the nature of the same, a challenge by either side should be left/made open to the said order/report, otherwise the dispute would remain alive creating multiple confusions and giving rise to various other proceedings.

9. In view of the above, the writ petition is **disposed off** with an observation that the order/report annexed to the letter dated 22.05.2023 issued by the Joint Director of Education is open to be challenged by either side by filing a writ petition.

10. Since, this Court had asked the Regional Level Committee to submit report before this Court, it appears that its copy is not available to learned counsel representing private parties.

11. Office of learned Chief Standing Counsel is directed to serve a photostat copy of the said report/order alongwith letter dated 22.05.2023 upon Shri Vibhu Rai and Shri Shauya Sharma, learned Advocates for rival parties.

Order on Civil Misc. Impleadment Application No.3 of 2023.

For the reasons stated in the order passed on writ petition today, the impleadment application is **rejected**.

Order Date :- 23.11.2023
Jyotsana