

Court No. - 10

Case :- WRIT - C No. - 22647 of 2023

Petitioner :- Manmohan Singh And 10 Others

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Anurag Shukla, Sr. Advocate

Counsel for Respondent :- C.S.C., Bhawesh Pratap Singh

Hon'ble Kshitij Shailendra, J.

1. Short rejoinder affidavit filed today is taken on record.
2. Heard Sri Anurag Shukla, learned counsel for the petitioners, learned Standing Counsel for the State-respondents and Sri Bhawesh Pratap Singh, learned counsel appearing for the respondents no.6 and 7.
3. In view of the order proposed to be passed, there is no requirement to issue notice to any other respondent or invite counter affidavits.
4. By means of the present writ petition, order impugned dated 24.04.2023 passed by the District Inspector of Schools, Kanpur Nagar has been challenged. By the said order, the signatures of the respondent no.4 in the capacity of Manager of the Committee of Management on the basis of elections dated 15.01.2023 were attested.
5. Learned counsel for the petitioners submits that challenging the attestation of signature and also disputing the validity of the elections, the matter is already engaging attention of the Joint Director of Education, Kanpur Nagar pursuant to a representation/objection dated 26.04.2023 submitted by the petitioners and, therefore, the same may be directed to be decided expeditiously.
6. Sri Bhawesh Pratap Singh, learned counsel, submits that the District Inspector of Schools had stayed his order dated 24.04.2023 on 27.04.2023 which order has already been quashed by this Court by order dated 21.07.2023 passed in Writ-C No.16592 of 2023.
7. I have perused the aforesaid order and I find that Writ-C No.16592 of 2023 was filed by the respondents no.6 and 7 assailing the order dated 27.04.2023 and by setting aside the same, this Court clearly observed in paragraph no.7 of the order as follows:-

"7. The petitioners' Committee shall continue to function until and unless there is a contrary order from the competent forum that may be approached by the party aggrieved."

8. The aforesaid order was quashed on the ground of violation of principles of natural justice and it is contended that the Committee of Management of respondents no.6 and 7 is continuing to discharge the managerial functions.

9. Sri Anurag Shukla, learned counsel submits that such continuance has been made subject to an order to be passed by competent forum as observed by this Court in paragraph no.7 of the order dated 21.07.2023 and the Regional Level Committee headed by the Joint Director of Education, Kanpur Region, Kanpur being the competent authority to deal with the dispute in view of the relevant Government Order, the order dated 27.04.2023 as well as the managerial rights of the respondents no.6 and 7 may be made subject to the decision to be taken by the Regional Level Committee.

10. Having heard the learned counsel for the parties and to settle the controversy, the writ petition is **disposed of** with a direction that the Regional Level Committee headed by Joint Director of Education, Kanpur Region, Kanpur (respondent no.2) shall consider the petitioners' representation/ objections dated 26.04.2023 and, after providing full opportunity of hearing to the petitioners as well as the rival claimants, i.e. respondents no.6 and 7, the Regional Level Committee shall decide the entire dispute **on or before 15.02.2024** provided a certified copy of this order is served upon the Regional Level Committee **by the end of this month.**

Order Date :- 17.10.2023

AKShukla/-