

**Court No. - 35**

**Case :-** WRIT - A No. - 11463 of 2023

**Petitioner :-** C/M Madarsa Arbiya Shamshul Uloom Sikariganj  
And Another

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Narendra Kumar Chaturvedi

**Counsel for Respondent :-** C.S.C, Hari Shankar Singh, Vinay  
Bhushan Upadhyay

**Hon'ble Vikas Budhwar, J.**

1. Heard Sri Narendra Kumar Chaturvedi, learned counsel for the writ petitioner as well as Sri H.K. Shukla, learned Standing Counsel who appears for respondents No. 1 to 3 and Sri Ravi Prakash (AOR A/R0956/2017) holding brief of Sri Vinay Bhushan Upadhyay, learned counsel who appears for respondent No. 4.

2. This Court entertained the writ petition entertained the writ petition while passing the following order.-

*"Sri Narendra Kumar Chaturvedi, learned counsel for the writ petitioners submits that as the term of the Committee of Management in question stood lapsed so an exercise was undertaken pursuant to the order dated 02.08.2021 of the third respondent, District Minority Welfare Officer/ Election Officer, pursuant where to, elections were conducted on 11.8.2021, in which the fraction of the writ petitioner, Committee of Management was elected as the office-bearers. However, in pursuance to the directions contained in the order dated 05.01.2022 passed in Writ-C No.17485 of 2021, the action of the District Magistrate, in staying election process was depreciated and a direction was issued to the Director, Firms, Societies and Chits Gorakhpur Region, Gorakhpur and the District Magistrate to proceed with the election programme. However, now, another election was conducted on 06.07.2022 in respect to same members. However, this Court in Writ-C No.24910 of 2022 proceeded to pass an order on 06.09.2022 that the list of elected persons is yet to be approved, thus no further steps is being taken by the State respondents.*

*The submission of the learned counsel for the writ petitioner is that the third and fourth respondents are proceeding to conduct selection pursuant to the advertisement dated 14.06.2023 as modified on 21.06.2023.*

*Sri H.K. Shukla, learned Standing Counsel seeks time to obtain instructions in the matter.*

*Issue notice to Respondent no. 4.*

*Steps to be taken within two days by both ways.*

*Put up this case on 08.08.2023 as fresh so as to enable the learned Standing Counsel to obtain clear instructions/ file affidavit in the matter."*

3. A miscellaneous application along with compliance affidavit has been filed under the signature of one Sri Eid Mohammad claiming himself to be the Manager of the fourth respondent institution wherein in paragraph 4 Annexure 4 at page 8 it is being sought to be stated that the advertisement which was subject matter of challenge in the writ petition has been withdrawn by the respondent. He submit that the writ petition has become infructuous.

4. Sri Narendra Kumar Chaturvedi, learned counsel for the writ petitioner could not dispute the said fact as according to him once a statement has been made on the basis of the affidavit then he has no grievance at this stage in this regard.

5. Learned Standing Counsel has no objection to the same.

6. Considering the submission of the rival parties as well as the stand taken by the them, the writ petition is consigned to record leaving it open to the writ petitioner to again approach in case adverse actions are taken in that regard. The miscellaneous application along with the compliance affidavit filed after serving an advance copy to the learned counsel for the writ petitioner is taken on record.

**Order Date :- 30.10.2023**

Rajesh