

Court No. - 10

Case :- WRIT - C No. - 29377 of 2023

Petitioner :- Vinod Kumar And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Vijay Kumar, Sankalp Narain

Counsel for Respondent :- CSC, Adesh Kumar, Kuldeep Kumar Sharma, Sudhir Kumar Pandey

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Sankalp Narain, learned counsel for the petitioners, Sri R.P. Tiwari, learned Standing Counsel, for the respondents no.1, 2, 3, 4 and 5 and Sri J. Nagar, learned Senior Counsel, assisted by Sri Sudhir Kumar Pandey and Sri Adesh Kumar, appearing for the respondent no.6.

2. This petition has been filed claiming two reliefs, one in the nature of certiorari quashing the impugned order dated 04.08.2023 by which the District Inspector of Schools, Baghpat has recognized the Committee of Management of respondent no.6 based upon the elections dated 30.07.2023, whereas the second relief is in the nature of mandamus commanding the Deputy Registrar, Meerut Region, Meerut to undertake the exercise in terms of Section 4-B of the Societies Registration Act and consequently finalize the valid list of members of general body and an **alternative** prayer has also been made to direct to the Joint Director of Education to forthwith place the objections preferred by the petitioners on 14.08.2023 before the Regional Level Committee, Meerut Region, Meerut.

3. Having heard the learned counsel for both sides, considering the fact that this Court proposes to grant **alternative** prayer made in the writ petition, it is not necessary to describe the details of facts in relation to the election dispute, however, only this much is necessary to mention that the primary objection of the petitioner is to the effect that despite correspondence entered into between the Authorized Controller, the Joint Director of Education as well as the Deputy Registrar regarding the list registered under Section 4-B of the Act, and without there being approved list, the elections have been held.

4. Sri J. Nagar, learned Senior Counsel, has raised objections regarding maintainability of the writ petition on the ground that the

petitioners had participated in the elections and have no right to challenge the result of the elections or any consequential recognition granted to the respondent no.6-Committee. He further submits that the objections have been filed after declaration of the result of elections, therefore, even the objections are not maintainable.

5. Answering the said arguments, Sri Sankalp Narain has referred to certain objections including the objections dated 11.07.2023 which were submitted by the petitioners along with other members before holding of elections.

6. Be that as it may, without expressing any opinion on the merits of the rival contentions, the Court finds that in view of the Division Bench decision of this Court in the case of **Committee of Management, Sri Yadvesh Inter College and another Vs. State of U.P. and others: 2011 (8) ADJ 493 (DB)**, the Joint Director of Education is competent to take decision in such matter and once the petitioners have already approached the Joint Director of Education by filing objection/ representation dated 14.08.2023, instead of deciding the validity of the elections dated 30.07.2023, the writ petition stands **disposed of** in the following terms:-

(i) Any of the parties may file certified copy of this order before the Joint Director of Education, 1st Region, Meerut (respondent no.3) **in the month of December, 2023 itself.**

(ii) The Joint Director of Education, 1st Region, Meerut (respondent no.3) shall place the aforesaid objections dated 14.08.2023 before the Regional Level Committee (respondent no.2) **before 15.01.2024.**

(iii) The Regional Level Committee shall call upon the petitioners and the respondent no.6 and shall also call upon the report from the Deputy Registrar concerned during the course of taking a decision with regard to the list registered under Section 4-B of the Act by fixing date(s) of hearing of the matter and shall take a decision strictly in accordance with law **on or before 15.03.2024.**

(iv) Necessary consequences shall follow.

Order Date :- 8.12.2023

AKShukla/-