

Court No. - 10

Case :- WRIT - C No. - 32985 of 2023

Petitioner :- C/M Adarsh Inter College And Another

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Arvind Srivastava Iii

Counsel for Respondent :- CSC

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Arvind Srivastava III, learned counsel for the petitioner and Sri I.P. Srivastava, learned Additional Chief Standing Counsel, for the respondents no.1, 2 and 3.
2. The petitioner no.1 is the Committee of Management of Adarsh Inter College, Badgaon, Saharanpur and the petitioner no.2 is its Manager.
3. It appears that certain persons want to become members of the Committee of Management about which Scheme of Administration contains specific stipulations.
4. The grievance raised by means of the present writ petition is that those applicants directly approached the Principal of the Institution and then to the District Inspector of Schools and the District Inspector of Schools is issuing successive letters compelling the petitioner Committee to enroll those members with a threat that in case action is not taken by the petitioner, Committee would face consequences. The order impugned dated 15.09.2023 is one of such letters/ orders.
5. The submission of Sri Srivastava is that the District Inspector of Schools has no power to compel the Committee of Management to enroll members and, therefore, the order impugned is without jurisdiction. He further submits that the applicants never contacted the petitioners.
6. Sri I.P. Srivastava, learned Additional Chief Standing Counsel, submits that the District Inspector of Schools has simply directed the Committee of Management to act in accordance with the approved Scheme of Administration/ Bye-laws and the order impugned cannot be interpreted in the manner in which the petitioners want to interpret. He further submits that the District Inspector of Schools has a defined role in the U.P. Intermediate

Education Act, 1921 one of which is concerning a valid Committee of Management and members form a component of the said Committee and hence, it cannot be said that the order impugned is without jurisdiction.

7. Having heard the learned counsel for the parties, I find that the membership is well defined in the approved Scheme of Administration/ Bye-laws and in case anybody wants to become member of the Committee, such proceedings cannot be alien to the procedure prescribed in the Scheme.

8. At the same time, the Committee cannot be left aside from the proceedings and even if it is assumed that the District Inspector of Schools has a role in the matter, certainly he cannot compel the Committee of Management to enroll members and such an enrollment shall be strictly in accordance with the stipulations contained in the Bye-laws.

9. In view of the above, the writ petition is **disposed of** in the following terms:-

(i) The order impugned dated 15.09.2023 passed by the District Inspector of Schools, Saharanpur (respondent no.3) is **quashed**.

(ii) The District Inspector of Schools, Saharanpur (respondent no.3) is directed to issue a letter to the proposed applicants to approach the Committee of Management of the Institution with necessary papers and fees etc.

(iii) As soon as the proposed applicants apply pursuant to the letter to be issued by the District Inspector of Schools, Saharanpur (respondent no.3), it is open for the petitioners to take appropriate decision in accordance with law as per the approved Scheme of Administration/ Bye-laws on the question of enrollment of members.

Order Date :- 31.10.2023
AKShukla/-