

Court No. - 10

Case :- WRIT - C No. - 34457 of 2023

Petitioner :- C/M Vijay Vidyalaya Inter College And Another

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

Counsel for Petitioner :- Bheem Singh,Aalok Singh

Counsel for Respondent :- C.S.C,Hritudhwaj Pratap Sahi,Sankalp Narain

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Bheem Singh, learned counsel for the petitioners, learned Standing Counsel for the respondents no.1, 2 and 3 and Sri G.K. Singh, learned Senior Counsel, assisted by Sri Sankalp Narain, learned counsel for the respondent no.4.

2. By means of the present writ petition, two orders have been challenged.

3. By the first order dated 06.07.2023, the District Inspector of Schools, Aligarh has returned the papers to the petitioner no.2 observing that only the outgoing committee is competent to hold elections. By the second order dated 07.07.2023, the District Inspector of Schools, Aligarh has accorded approval to the elections dated 18.06.2023 in which the respondent no.4-Committee was elected.

4. By assailing the aforesaid orders, it has been argued by Sri Bheem Singh that in respect of alleged elections of 2018, the matter reached before the Regional Level Committee which set aside both the elections by an order dated 05.10.2018 with clear direction to hold fresh elections under the supervision of District Inspector of Schools and till holding of elections, operation of Managerial account was stopped with further direction of single hand operation. It is submitted that the order dated 05.10.2018 was challenged by the respondent no.4 by filing Writ-C No.37526 of 2018 in which no interim order was passed and against non grant of interim order, the respondent no.4 preferred Special Appeal No.26 of 2019 which was disposed of requesting the learned Single Judge to decide the writ petition itself at the earliest. It is contended that few more writ petitions were filed and, ultimately, by orders dated 21.09.2022, all the writ petitions including Writ-C No.37526 of 2018 were disposed of and substantive observation was made to the effect that the District Inspector of Schools should pass appropriate orders on the representation dated 28.04.2022.

5. The aforesaid representation has been decided by the District Inspector of Schools, Aligarh by an order dated 20.02.2023 directing holding of elections as per the approved Scheme of Administration.

6. It is contended that the elections dated 18.06.2023 have not been held under the supervision of District Inspector of Schools and, therefore, the earlier directions dated 05.10.2018 issued by the Regional Level Committee as affirmed by this Court have been violated.

7. Various other submissions have been made by the learned counsel for the petitioners.

8. Sri G.K. Singh, learned Senior Counsel submits that the direction of the Regional Level Committee was to hold elections under the supervision of District Inspector of Schools, Aligarh and not by the D.I.O.S. and the District Inspector of Schools successively proceeded to constitute Three Members Committee, vide Annexures No.7 and 8 to the writ petition and, ultimately, sent Observer, namely Bhajan Lal, Principal of Smt. Gayatri Devi Inter College, Gorai, Aligarh and the elections dated 18.06.2023 were held under the supervision of said Observer and, hence, it cannot be accepted that any direction contained in the order of the Regional Level Committee dated 05.10.2018 was violated. He further submits that the Regional Level Committee had directed to hold elections by the outgoing committee and the respondent no.4 being outgoing committee was competent to hold elections and the petitioners are admittedly not the outgoing committee.

9. Opposing the aforesaid submission, Sri Bheem Singh submits that once the elections of 2018 have been set aside, the respondent no.4 cannot be treated as an outgoing committee, particularly, in view of the fact that control over the institution and the managerial affairs was with the District Inspector of Schools, Aligarh and not with the respondent no.4.

10. Sri G.K. Singh submits that only two functions of the Committee of Management were taken away by the Regional Level Committee, whereas the remaining administrative powers were being exercised by the respondent no.4 which was in effective control of the remaining affairs.

11. 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 17.07.2023, followed by reminders, instead of deciding the validity of the elections dated 18.06.2023, 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, Aligarh Region, Aligarh (respondent no.2) **in the month of December, 2023 itself.**

(ii) The Joint Director of Education, Aligarh Region, Aligarh (respondent no.2) shall call upon the petitioner and the respondent no.4 by fixing date(s) of hearing of the matter and shall take a decision strictly in accordance with law **on or before 28.02.2024.**

(iii) Necessary consequences shall follow.

Order Date :- 6.12.2023

AKShukla/-