

Court No. - 10

Case :- WRIT - C No. - 34351 of 2023

Petitioner :- Adarsh Inter College Bardiha District Azamgarh And Another

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

Counsel for Petitioner :- Manisha Chaturvedi, Smt. Chandra Kala Chaturvedi

Counsel for Respondent :- CSC

Hon'ble Kshitij Shailendra, J.

1. Heard Ms. Manisha Chaturvedi, learned counsel for the petitioners and learned Standing Counsel for the State-respondents and perused the record.

2. The petitioners want to incur certain expenditures in relation to transfer of part of their property as well as in certain renovation and construction activities and for that purpose, it is contended that prior approval from the Director of Education is required under sections 4 and 5 of U.P. Educational Institutions (Prevention of Dissipation of Assets) Act, 1974 and that petitioners have already represented before the Director of Education, respondent No. 2. Further submission is that certain reports were called for by the Director of Education from the Regional Joint Director of Education on 14.09.2023.

3. Learned Standing Counsel submits that the Director of Education is the only Authority competent to take a decision in the matter, direction can be issued to him alone and no other authority, however the other authority may facilitate the reports to the Director of Education.

4. Considering the facts and circumstances of the case and the provisions of U.P. Educational Institutions (Prevention of Dissipation of Assets) Act, 1974, the writ petition is **disposed of** directing the respondent No. 2 to pass appropriate orders on the petitioners' representation dated 23.08.2023 and 25.08.2023 **on merits** after perusing the requisite reports submitted by the Authorities and after carefully examining the records produced by the petitioners.

5. The decision shall be taken **on or before 31.01.2024** and its

copy shall be served upon the petitioners by the respondent No. 2 by registered post immediately thereafter.

Order Date :- 26.10.2023

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