

Court No. - 10

Case :- WRIT - C No. - 35354 of 2023

Petitioner :- C/M Janta 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.

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Bheem Singh, learned counsel for the petitioners and the learned Standing Counsel for the State-respondents.
2. After various rounds of litigation, whereby the claim of Raghunandan Sharma and Dinesh Chandra Sharma was dislodged and ultimately directions for holding elections were issued and statement to that effect was made from the side of State that since Election Officer has been appointed, elections would be held, by the order impugned dated 13.07.2023, the Principal of the Government Inter College, Noida, District Gautam Budh Nagar, who was appointed as Election Officer, has declined to conduct elections.
3. Learned counsel for the petitioners submits that though there is no flaw or shortcoming in any of the documents in relation to the Committee of Management and membership, merely because the aforesaid two persons filed complaint, the Election Officer hurriedly proceeded and, on 05.07.2023, he called the parties to make their say on the next day, i.e. on 06.07.2023, and then he issued another letter dated 07.07.2023 calling upon the parties to appear on 08.07.2023 and after five days, he has issued order impugned. Learned counsel further submits that no opportunity was provided to the petitioners and, even otherwise, when the petitioners came to know about the proceeding, they filed application dated 11.07.2023 supported by various documents/lists etc, however, the order impugned does not take into consideration the same.
4. I find that denial to conduct election by the Election Officer is not a final order, rather it has been issued for the reason that the officer was facing some difficulties in the light of the complaint made by the aforesaid two persons and for want of certain documents before him.
5. Accepting the stand of the petitioner that whatever documents

are required to be produced have been produced by him on 11.07.2023, once there is no consideration of the same and ultimately, under the orders passed by this Court, elections have to be held, the writ petition is **disposed of** in the following terms:-

(i) The order impugned dated 13.07.2023 which restricts holding of elections is **set aside**;

(ii) The petitioners shall file a copy of the application dated 11.07.2023 along with the documents again before the Election Officer within a period of **one week** from today along with a certified copy of this order;

(iii) The Election Officer shall call upon Ranghunandan Sharma and Dinesh Chandra Shamra whose names have been mentioned in the order impugned to clear their stand by the **end of November, 2023**;

(iv) The Election Officer shall pass a fresh order after affording personal hearing to the petitioners and Raghunandan Sharma and Dinesh Chandra Sharma **before 31.12.2023** in accordance with law;

(v) If the Election Officer is satisfied with the stand of the petitioners with regard to membership and approved Scheme of Administration on the basis of documents produced by him, he shall proceed to hold elections, however, he is at liberty to record his satisfaction with regard to the legal requirements before proceeding to hold elections.

Order Date :- 31.10.2023
AKShukla/-