

Court No. - 32

Case :- WRIT - C No. - 36526 of 2023

Petitioner :- C/M Islamic Girls School

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

Counsel for Petitioner :- Abhay Raj Yadav, Neeraj Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

1. The present petition has been filed praying for certiorari to quash the order dated 27.07.2023 passed by Additional District Magistrate (Finance), Kanpur Nagar i.e. respondent no. 3 constituting an enquiry committee to enquire into the complaint filed by respondent no. 5.

2. No adverse order has yet been passed against the petitioner and therefore, the petition is premature. An alternative prayer has been made that the District Magistrate, Kanpur Nagar i.e. respondent no. 2 be directed to reconsider its endorsement order dated 26.07.2023, which is the basis of the order dated 27.07.2023 in the light of certain previous enquiry reports submitted by different state authorities.

3. No such mandamus can be issued as the same would amount to interference in the day-to-day duties of the administration which is beyond the jurisdiction of Article 226 of the Constitution of India.

4. When the petitioner was confronted with the aforesaid obstacle, learned counsel for the petitioner prayed that the petition be dismissed as withdrawn with liberty to file a fresh petition challenging the orders challenged in the present petition whenever an order adverse to the petitioner is passed by the competent authority.

5. The petition is dismissed as withdrawn with liberty, as prayed.

Order Date :- 31.10.2023

KS