

Court No. - 10

Case :- WRIT - C No. - 40672 of 2023

Petitioner :- The Committee Of Management Gangadeen Inter College And Another

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

Counsel for Petitioner :- Shivendu Ojha, Sneh Pandey, Sr. Advocate

Counsel for Respondent :- C.S.C., Prabhakar Awasthi

Hon'ble Kshitij Shailendra, J.

1. Heard Sri R.K. Ojha, learned Senior Counsel, assisted by Sri Shatrughna Sonwal, learned counsel for the petitioners, learned Standing Counsel for the respondents no.1 to 5 and Sri Prabhakar Awasthi for the respondent no.6.

2. This petition has been filed claiming following two reliefs:-

"(a) A Writ order or direction in the nature of certiorari quashing the impugned orders dated 22.9.2023 and 19.10.2023 (Annexures- 12 & 13 to the Writ petition) passed by the Respondent nos.1 and 2 respectively.

(b) A writ order or direction in the nature of Mandamus commanding the Regional Level Committee headed by the Joint Director of Education, Bareilly Mandal, Bareilly as Chairman, the Respondent no.3 to conclude/ pass the final order over the matter as directed by this Hon'ble Court by the order dated 28.9.2018 passed in Writ Petition no.32505 of 2018, "Committee of Management Janta Higher Secondary School and another Vs. State of U.P. and 6 others," within some stipulated time as fixed by this Hon'ble Court."

3. In so far as the orders impugned are concerned, the Court finds that by the same, the State Government has asked certain report from the Director of Education (Secondary) and, thereafter, the Director of Education (Secondary) has asked the report from the Joint Director of Education, 6th, Lucknow.

4. The second relief claimed is, in fact, in furtherance of the judgment of this Court dated 28.09.2018 passed in Writ-C No.32505 of 2018.

5. In sum and substance, the contention of Sri Ojha is that the signatures of the petitioner no.2 having been attested pursuant to an elections in 2018 and in furtherance of an order dated 27.07.2018 passed by the Regional Level Committee while subsequent elections have been held by the petitioner, the original

dispute, as noted by this court in its order dated 28.09.2018 passed in Writ-C No.32505 of 2018, is still not resolved and though 06.01.2023, 19.01.2023 and 13.09.2023 were fixed by the Regional Level Committee and, ultimately, the matter was heard finally on 26.09.2023, as on today judgment is reserved. He submits that, in the meantime, the State Government has erroneously entertained the application filed by the respondent no.6 and is proceeding on the line of appointing an Authorized Controller under Section 16-D of U.P. Intermediate Education Act, 1921 for which there is no justification.

6. Sri Prabhakar Awasthi submits that this Court has already taken into consideration the rival contentions with respect to subsequent registration of society, namely, Gangadeen Inter College, Gura Navinganj, Budaun, and intervention of the State is justified for the reason that the Regional Level Committee is bent upon not to follow the directions of the writ court whereby the said Committee was specifically directed to summon a report from the Assistant Registrar concerned. However, he does not dispute that the directions issued by the writ court have to be complied with and has justified his stand with regard to delayed submission of the documents before the Regional Level Committee on the ground that the respondent no.6 was approaching the Assistant Registrar in view of the nature of dispute and the observations made by the writ court.

7. Learned Standing Counsel submits that if the Regional Level Committee has already conducted the hearing of the matter, it is bound to pronounce a final judgment and necessary consequences in accordance with law shall follow.

8. Considering the facts and circumstances of the case, the writ petition is **disposed of** in the following terms:-

(i) Either of the party shall file a certified copy of this order before the Joint Director of Education, Bareilly Region, Bareilly within **two weeks from today**.

(ii) The Joint Director of Education, Bareilly Region, Bareilly, being Chairman of the Regional Committee, shall ensure that in case the hearing stands concluded in furtherance of the order of the writ court as referred to herein above, final judgment shall be pronounced **before 15.01.2024**.

(iii) In case some hearing is yet to be conducted as per record of proceedings by the Regional Level Committee, the same shall also

be concluded **before 15.01.2024** and in that event, judgment shall be pronounced **before 15.02.2024**.

(iv) The action proposed to be taken under the orders impugned shall be deferred till disposal of the matter by the Regional Level Committee.

Order Date :- 4.12.2023

AKShukla/-