

Court No. - 10

Case :- WRIT - C No. - 40054 of 2023

Petitioner :- C/M Kisan Inter College And Another

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

Counsel for Petitioner :- Arun Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Arun Kumar, learned counsel for the petitioners, Shri Jitendra Singh, learned Additional Chief Standing Counsel for the State-respondents and perused the record.

2. Out of two prayers made in the present writ petition, learned counsel for the petitioners is pressing prayer No. 2 only at this stage, by which a writ of Mandamus has been sought for the respondent No. 2, Joint Director of Education, Agra Region Agra to grant approval to the amendment sought in the Scheme of Administration by incorporating the changed name of the Society as "Kisan Shiksha Samiti, Alai, Post Tikari, Tehsil Tundla District Firozabad" in place of "Kisan Uchchattar Madhyamik Vidyalaya, Alai Tundla, Firozabad in Clause 2(8) of the Scheme of Administration of the College.

3. Learned counsel for the petitioners has referred to various elections proceedings, however it is not necessary for this Court to enter into the details of those elections. In view of relief pressed, only this much has to be seen by this Court as to whether the applications moved by the petitioners in 2018 and 2022 before the Joint Director of Education requesting amendment in the Scheme of Administration are in consonance with any provisions of law.

4. Shri Arun Kumar, learned counsel for the petitioners submits that as per section 16-A (5) of U.P. Intermediate Education Act, 1921, no amendment or change can be carried out in the Scheme of Administration at any time without prior approval of the Director of Education, which includes the Joint Director of Education.

5. Learned Additional Chief Standing Counsel submits that Joint Director of Education shall examine the petitioner's claim on the basis of record and shall pass a reasoned and speaking order, in

case some reasonable time is granted to him.

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

(i) The petitioner is directed to file a fresh application before the respondent No.2, Joint Director of Education, Agra Region Agra alongwith photostat copies of previously moved applications and certified copy of this order along with all other necessary documents, **in the month of December, 2023.**

(ii) The Joint Director of Education shall consider the petitioner's application on the basis of record available in the respective offices of respondent Nos. 3 and 4, strictly in accordance with the provisions of Scheme of Administration as well as section 16-A(5) of U.P. Intermediate Education Act, 1921.

(iii) Such a decision shall be taken after providing opportunity of hearing to the petitioner and any other person concerned, **on or before 28.02.2024.**

Order Date :- 30.11.2023

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