

Court No. - 10

Case :- WRIT - C No. - 39875 of 2023

Petitioner :- Smt. Ramwati And 3 Others

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

Counsel for Petitioner :- Hritudhwaj Pratap Sahi, Sankalp Narain

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Head Shri Sankalp Narain, learned counsel for the petitioners and Shri Jitendra Singh, learned Additional Chief Standing Counsel for the respondent nos.1,2, 3, 4 and 5.

2. In view of the order proposed to be passed, it is not necessary to issue notice to respondent no.6, at this stage as the interest of the said respondent is being taken care of by this Court.

3. The submission of learned counsel for the petitioners is that in the Institution namely Shri Sukhda Shiksha Mandir Society Vrindavan, District Mathura, Authorized Controller was functional at one point of time and *vide* letters dated 02.08.2021 and 22.07.2022, Authorized Controller asked the Deputy Registrar, Firms, Societies and Chits, Agra to send list of members of the General Body of the Society so as to hold elections. The notices/letters indicate holding of the proceedings under Section 4-B of the Societies Registration Act, 1860 (hereinafter referred to as 'the Act'). It is further contended that while exercise under Section 4-B of the Act was not completed, in the meantime, the Authorized Controller somehow held elections of the Committee of Management of the Institution and granted recognition to the elections held by respondent no.6 and also attested signatures of one Megh Singh as Manager of the Institution. The submission is

that in absence of finalization of proceedings under Section 4-B of the Act, the elections could not be held and, therefore, the petitioners, raising all grievances against the elections of respondent no.6, have approached the Joint Director of Education, Agra, Region Agra (respondent no.3) by filing representation dated 11.10.2023 (received in the office of respondent no.3 on 12.10.2023) and representation dated 02.11.2023 was sent by registered post before the Director of Education, Madhyamik, Lucknow, U.P.

4. This writ petition has been filed seeking a Writ of Mandamus commanding the Regional Level Committee, Agra, Region Agra (respondent no.2) to forthwith adjudicate the objections preferred by the petitioners with regard to the elections dated 30.09.2022.

5. Learned Additional Chief Standing Counsel submits that the Joint Director of Education is merely Chairman of the Regional Level Committee and, if certain objections/representations have been received in the office of the Joint Director of Education, he would place the same before the Regional Level Committee but, in any case, *ex-parte* disposal of the objections preferred by the petitioners cannot be made and opportunity of hearing is bound to be provided to the elected Body.

6. In view of the above, the writ petition is **disposed off** in the following terms:-

(a). The petitioners are directed to file a certified copy of this order before the Joint Director of Education, Agra, Region Agra (respondent no.3) within **two weeks from today**.

(b). The respondent no.3 shall place the petitioners'

objections/representations before the Regional Level Committee, Agra, Region Agra (respondent no.2) in the month of **December 2023 itself.**

(c). The respondent no.2 shall issue notice to the respondent no.6 in the month of **January 2024 itself.**

(d). After exchange of response in between the petitioners and the respondent no.6, the respondent no.2 shall decide the matter in relation to the elections dated 30.09.2022, strictly, in accordance with law after providing opportunity of hearing to the parties and after making critical analysis of material placed by both the parties on record.

(e). During the course of making decision, the respondent no.2 shall also call for a report from the Deputy Registrar, Firms, Societies and Chits, Agra, Region Agra (respondent no.4).

(f). The decision shall be taken by the respondent no.2 **by 15.04.2024.**

7. It is made clear that this Court has not examined the validity of the elections and it is for the respondent no.2 to examine the same and decide in accordance with law.

Order Date :- 5.12.2023
Jyotsana