

**Court No. - 10**

**Case :-** WRIT - C No. - 40339 of 2023

**Petitioner :-** C/M Dr. Rajendra Prasad Inter College And Another

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Grijesh Tiwari

**Counsel for Respondent :-** C.S.C.

**Hon'ble Kshitij Shailendra,J.**

1. Heard Sri Grijesh Tiwari, learned counsel for the petitioners and learned Standing Counsel for the State Respondent.

2. It is contended that petitioner No.1 being outgoing Committee of Management and the petitioner No.2 being its Manager, pursuant to the elections held on 1.12.2020, conducted fresh elections on 29.10.2023 strictly in accordance with law and have submitted the documents for approval before the District Inspector of Schools, Kushinagar on 30.10.2023 and the matter is still pending for approval before the said officer.

3. In the aforesaid background of facts, a writ of mandamus has been claimed directing the Respondent No.3 (D.I.O.S.) to grant recognition to the election of the Committee of Management of the Institution dated 29.10.2023 and to pass the appropriate order on the papers submitted by the petitioners with regard to grant the recognition to the said elections within stipulated period.

4. Learned Standing Counsel submits that in the matters of Committee of Management, there are always chances of rival claims and the petitioners have not impleaded any private party, therefore, this Court cannot adjudicate upon the validity of the elections held.

5. Sri Grijesh Tiwari submits that there is no rival Committee of Management and that as per Clause-3 of the latest Government order dated 27.10.2023, it is provided that if the District Inspector of Schools does not decide such matters within a period of 14 days and the Committee is undisputed, there would be no need for re-attestation of the signatures.

6. Be that as it may, once an election is held and papers are submitted before the D.I.O.S., he is under obligation to pass

appropriate orders in consonance with the provisions of Section 16-A(7) of the U.P. Intermediate Education Act, 1921.

7. This writ petition is, accordingly, **disposed of** in the following terms:

(i) The petitioners are directed to file a certified copy of this order before the District Inspector of Schools, Kushinagar within two weeks from today.

(ii) The D.I.O.S., Kushinagar shall examine the documents already submitted by the petitioners and shall pass appropriate orders **on or before 15.1.2024.**

(iii). If during the course of taking decision, any other rival claim qua elections of same institution is found, on record or otherwise, the D.I.O.S. shall hear the concerned party before taking any decision in the matter.

8. It is made clear that this Court has not adjudicated upon the validity of the elections dated 29.10.2023 and the D.I.O.S. shall examine the same in the light of the provisions of approved scheme of Administration.

**Order Date :- 1.12.2023**

Kumar Manish.