

Court No. - 7

Case :- WRIT - C No. - 7983 of 2023

Petitioner :- C/M, Shiksha Prasar Samiti, Ambedkar Nagar
Thru. President, Ram Kishore Tiwari And Another

Respondent :- State Of U.P. Thru. Secy. (Secondary Education)
Education Deptt. , Lucknow And 3 Others

Counsel for Petitioner :- Om Prakash Mani Tripathi

Counsel for Respondent :- C.S.C., Krishna Madhav Shukla

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioners and learned Standing counsel for respondent nos. 1, 2 & 4 as well as Shri Krishna Madhav Shukla, learned counsel appearing for respondent no.3.

2. With the consent of learned counsel appearing for the contesting parties, the writ petition is finally being disposed of.

3. The instant writ petition has been preferred against the order impugned dated 04.08.2023, a copy of which is annexure 1 to the petition, passed by respondent no.2 under Section 4 of the Societies Registration Act, 1860.

4. Shri K.M. Shukla, learned counsel for respondent no.3 takes a preliminary objection that in terms of the amendment made under Section 4 of the Societies Registration Act, 1860 (hereinafter referred to as "Act, 1860") carried out by U.P. Act No.8 of 2022, Sub-section (1-A) to Section 4 of the Act, 1860 has been introduced per which a remedy of an appeal has been provided against the order passed under Section 4 of the Act, 1860. He further submits that as certain disputes have arisen in the instant petition and once Sub-section (1-A) of Section 4 of the Act, 1860 in this regard now provides a remedy of appeal, as such the petitioners should be relegated to the remedy of appeal.

5. Considering that the order impugned has been passed under Section 4 of the Act, 1860 and as the remedy of appeal has been provided under Sub-section (1-A) of Section 4 of the Act, 1860, the instant writ petition is **disposed of** leaving it open to the petitioners to submit an appeal before the Appellate Authority within a period of two weeks from today. In case any such appeal is filed, then the Appellate Authority shall proceed to decide the same in accordance with law on merits after giving

due opportunity of hearing to the parties within a further period of four weeks from the date of receipt of the said appeal along with the certified copy of this order.

6. It is made clear that this Court has not gone into the merits of the claim set forth by the petitioners.

Order Date :- 10.10.2023

S. Shivhare