

Court No. - 7

Case :- WRIT - C No. - 10512 of 2023

Petitioner :- Janta Higher Secondary School Samiti, Lucknow Thru. Manager/ Secy. Ahibaran Prasad Sharma And Anr

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Finance, Lucknow And Others

Counsel for Petitioner :- Manoj Kumar Misra, Alok Kr. Misra

Counsel for Respondent :- C.S.C., Mahendra Bahadur Singh

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner, learned Standing counsel appearing on behalf of the respondents no. 1 to 4 and Sri M.B.Singh, learned counsel for the respondent no. 5- Caveator.

2. Under challenge is the order dated 31.10.2023 passed by the respondent no. 3 as well as the order dated 17.11.2023, copies of which have been filed as annexures 1 & 2 to the writ petition respectively.

3. Admittedly, in pursuance to the orders impugned, the election process has already started with the issuance of the election schedule as issued vide order dated 17.11.2023.

4. Whether the High Court can interfere once the election process has commenced is no longer res integra having been considered threadbare by this Court in the case of **Prabandh Samiti Kisan Junior High School Saiyan, Sitapur Vs. State of U.P and Ors** passed in **Writ-C No. 9729 of 2023 decided on 06.11.2023.**

5. This Court after considering the various Division Bench judgments has held that once the elections have been notified and the elections schedule have been published consequently, the law laid down by the Constitution Bench judgment of the Apex Court in the case of **N.P. Ponnuswami vs Returning Officer, AIR 1952 SC 64** would be attracted and keeping in view the Division Bench judgment of this Court in the case of **Maharana Pratap Vidyalaya Prabhand Samiti vs State of U.P. and others, 2013 (10) ADJ 532**, the principle of law laid down by the Apex Court in the case of **N.P.Poonuswami (supra)** would be

attracted wherein the High Court has been restrained from interfering with the process of election after elections are notified.

6. Learned counsel for the petitioner has been unable to persuade this Court to take a different view from that taken by this Court earlier wherein reliance has been placed on various Division Bench judgments of this Court.

7. Keeping in view the judgment of this Court in the case of **Prabandh Samiti Kisan Junior High School Saiyan, Sitapur (supra)** no case for interference is made out. Accordingly, the writ petition is dismissed.

8. However, it goes without saying that in case the petitioners are aggrieved by any order which is amenable to the writ jurisdiction it would always be open for them to challenge the same.

Order Date :- 2.12.2023

Pachhere/-