

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8762 of 2014

=====

Arya Kanya Uchaya Vidyalya, Khagaria, governed by a Managing Committee through its Secretary Neel Kamal Diwakar Son of Vidya Sagar Diwakar, Resident of Kalbari, S.D.O. Road, P.S.- Khagaria, Town and District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Secondary Education, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
2. The District Magistrate-cum-Collector, Khagaria.
3. The Additional District Magistrate, Khagaria.
4. The District Education Officer, Khagaria.
5. Bidya Nand Das Son of Shri Vishwanath Das, Resident of Village- Sanhauli, P.O.- Sanhauli, Via- Koshi College, P.S.- Chitragupt Nagar, District- Khagaria.
6. The In-charge, Head Master, Arya Kanya Uchcha Vidyalaya, Khagaria.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Alok Kumar Agrawal, Advocate
For the Respondents : Mr. P. Singh, GP27

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-11-2015

After having heard learned senior counsel for the petitioner, State as well as the private respondents, the Court at the very outset opines that an institution cannot be allowed to suffer because of clash of interest of certain vested persons who want to exercise, control and authority. Greed of individuals cannot prevail over the very existence of an institution.

The writ application has been filed by the so called Secretary of the Managing Committee making a grievance that despite an election having been held of the Managing Committee under the supervision of the district administration, respondents no.5 and 6 in

connivance with the District Education Officer did not allow the Managing Committee to function and all kinds of impediments have been created.

From the pleadings, it is evident that the institution or the school in question is a school of repute in the area and this kind of clash of interest surely will have reflection on the administration and smooth running of the institution. The teachers in stead of devoting their time and energy in imparting education have ended up siding with one group or the other which is not a healthy thing both for the students as well as the general moral and discipline of the institution.

The last of the election was held in the year 2012 to be precise on 02.04.2012. A lot of litigations have happened since then. The earlier election has been of no avail because of the will of the people did not in any manner get reflected in the actual working of the elected Managing Committee.

In totality of situation, therefore, and only to save the institution from any kind of further deterioration, the Court directs the District Magistrate, Khagaria that he will take steps by calling a meeting of the functionaries of the institution which may include respondent no.5 as well and in terms of the bye-laws prepare a list of voters of the Arya Pratinidhi Sabha/Arya Kanya Uchaya Vidyalaya and ensure that they are permitted to participate in the election to be

freely and fairly held and a result thereafter would be declared under the supervision of the District Magistrate.

Since certain allegations were made against the District Education Officer, Khagaria that he was an interested party, the District Magistrate may assign the responsibility to yet another officer of an A.D.M. rank or may be the D.D.C. in this regard in stead of the District Education Officer, Khagaria.

The exercise in this regard must be completed preferably within a period of eight weeks from the date of production of a copy of this order. The District Magistrate, Khagaria is also directed to ensure that once the newly elected Committee is declared, they will be put in office and ensure that they are allowed to function without any interference from any other defeated candidates.

The writ application stands disposed of with the above direction.

(Ajay Kumar Tripathi, J.)

Sanjay/-

U			
---	--	--	--