

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.10824 of 2008**

DATE OF DECISION: OCTOBER 5, 2015

KRISHAN LAL & ANOTHER

...PETITIONERS

VERSUS

COMMISSIONER AND DIRECTOR, ...RESPONDENT  
GENERAL SCHOOL EDUCATION, HARYANA & OTHERS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.  
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest?

----

PRESENT: MR. BHOOP SINGH, ADVOCATE FOR THE PETITIONER.  
MR. GAURAV JINDAL, ADDL.A.G., HARYANA.  
MR. D.R. BANSAL, ADVOCATE FOR RESPONDENT NO.4.  
MR. A.K.KANSAL, ADVOCATE FOR RESPONDENT NO.5.  
MR. A.P.S. SANDHU, ADVOCATE FOR RESPONDENTS NO.6 TO 9.

**M. JEYAPPAUL, J.**

1. The writ petitioners who are the life members of Sanatan Dharam Senior Secondary School, Jind have prayed for quashment of the report submitted by Ombudsman on 3.3.2008 and the voters list dated 29.5.2008 prepared by respondent No.3, as members from S.No.644 to 3296 mentioned in the voters list are not entitled to cast their vote.

2. In CWP No.13433 of 2005, this Court appointed an Ombudsman for Sanatan Dharam Sabha/School to finalize the voters list within 3 months. Justice R.K.Nehru (Retd.) Ombudsman directed the Administrator of the School-cum-Deputy Commissioner, Jind to prepare electoral roll strictly in conformity with the observations made by him in his report dated 3.3.2008 that the electoral roll be prepared after due

verification of the eligible electors entitled to cast their votes.

3. The grievance of the writ petitioners is that electoral roll (Annexure P-20) was not prepared in terms of the Constitution of the School (Annexure P-1).

4. We heard the submissions made on either side.

5. Rules 1 to 3(A) of the Rules and Regulations of the Association read as follows:-

*“1. A person who donates Rs.5000/- can be a patron of the Society.*

*2. A person who donates Rs.3100/- at a time can be its Life Member.*

*3. Membership of the Committee is open to every person who pays a subscription of Rs.200/- per annum, payable on any day of April each year.*

*3(A). Only the members who had been paying the subscription of Rs.200/- per annum continuously for the last three years, patrons and life members will be eligible to cast vote and contest the election for Executive Committee.”*

6. There is no dispute to the fact that in terms of the above Rules, apart from the Patrons who donated 5000/- to the society and the life members who donated ₹3100/- at a time, the Members who have been paying subscription of ₹200/- per month continuously for the last 3 years alone are eligible to cast their vote and contest the election for Executive Committee. Subscription of ₹200/- shall be paid on any day of April each

year.

7. The information received under the Right to Information Act by the writ petitioners and found appended as Annexure P-22 discloses that 2653 members introduced in the voters list declared on 29.5.2008 from S.No.644 to 3296 had not been depositing the required membership fee of ₹200/- per year payable in the month of April every year under Section 3 of the Constitution of the School from April, 2002 to April, 2008.

8. On account of the passage of time and lapse of three years, a compromise decree passed permitting a person to become a member of the electoral college on payment of ₹600/- in lump-sum pursuant to the general notice issued by the officer nominated has become totally redundant. Such a lump-sum payment to become a member shall not be a continuing process and should be a one time affair as per the agreement reached between the parties in the suit.

9. Now, the time has come to strictly act in accordance with the above Rules and Regulations of the Association. Both the parties have also agreed for finalization of voters list in accordance with Rules. The payment made in lump-sum to become a member as per the consent decree will not be of any use after lapse of three years prescription found in the Rules.

10. In view of the above, the voters list prepared as per the directions of the Ombudsman stand not accepted. Respondent No.3 Sub Divisional Officer(C)-cum-Administrator, S.D. Senior Secondary School, Jind is directed to prepare afresh the voters list strictly in terms of Rules 1 to 3(A) within 2 months from the date of receipt of this order and conduct

election within 3 months thereafter. In terms of Sections 3 and 3A, subscription of ₹200/- per annum in the month of April of each year for the last 3 years should have been paid as on the month of April, 2015.

11. The writ petition stands disposed of accordingly.

**(M. JEYAPPAUL)**  
**JUDGE**

October 5, 2015  
Gulati

**(DARSHAN SINGH)**  
**JUDGE**