

CWP-5133-2012

Date of Decision : 12.2.2015

Maharana Partap Educational Society

.....Petitioner

Versus

State of Haryana and Others

.....Respondents

CORAM HON'BLE MR. JUSTICE K.KANNAN

Present: Mr. D.S. Bali, Sr. Advocate with
Ms. Dalveer Kaur, Advocate
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

Mr. A.S. Virk, Advocate
for respondent Nos.2 and 3- KUK.

Mr. Himanshu Sharma, Advocate for
Mr. Chander Shekon, Advocate
for respondent No.7.

K.Kannan, J (Oral)

The petitioners have challenged the order of the Government appointing an Administrator by taking over the Administration from the Society which was running the College. The precipitate action appears to have been at the instance of the University complaining that regular elections were not being held for the office bearers of the Society and that the Administration was required to be taken over by the State.

The counsel appearing on behalf of the petitioner points out that the order of taking over and the appointment of the Administrator was passed on 06.01.2012 and in terms of the Haryana Private Colleges (Taking over of Management) Act, 1978, the power to take over Management and to place it in the hands of the Administrator shall operate for a maximum period of 3 years in terms of Section 3(1). Section 3(5) mandates the Management of a College to be handed over to the Management along with college property to

the duly constituted Management Committee of the College, on the completion of 3 years period. The State shall elicit information from the petitioner-society the details of the members of the Managing Committee by issuing a notice and securing information within 2 weeks and hand over Management to the Administration in the manner contemplated under Section 3(5) within a week thereafter. The State shall be at liberty to approach this Court for any directions if the ascertainment of the duly constituted Managing Committee of the College is not possible within the time stipulated by this order.

The writ petition is ordered taking note of the pendency of the writ petition and the period that has elapsed from the date when the order appointing an Administrator was passed.

(K. KANNAN)
JUDGE

February 12, 2015
ps-l