

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2164 of 2016**

- Jitendra Lahre S/o Shri Siyaram Lahre, Aged About 22 Years Student Of M. Sc. (Botany) III Semester, Acharya Panth Shri Grindhmuni Naam Sahab Government Post Graduate College, Kawardha, R/o Village Gudiyapara, Tehsil And Post Bodla, District Kabirdham, Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Pandit Ravishankar Shukla University, Through The Registrar, Raipur, Chhattisgarh.
3. Acharya Panth Shri Grindhmuni Naam Sahab Government Post Graduate College, Kawardha, District Kabirdham, Chhattisgarh.
4. Principal, Acharya Panth Shri Grindhmuni Naam Sahab Government Post Graduate College, Kawardha, District Kabirdham, Chhattisgarh.
5. Abhishek Kumar Pandey, S/o Shri Chandrika Prasad, Through The Principal, Acharya Panth Shri Grindhmuni Naam Sahab Government Post Graduate College, Kawardha, District Kabirdham, Chhattisgarh.
6. Student Union Election Officer, Students Union Election 2016-17, Acharya Panth Shri Grindhmuni Naam Sahab Government Post Graduate College, Kawardha, District Kabirdham, Chhattisgarh.
7. Election Dispute Redressal Committee, Acharya Panth Shri Grindhumani Naam Sahab Government Post Graduate College, Kawardha, District Kabirdham, Chhattisgarh.

---- **Respondent**

For Petitioner : Shri Amrito Das, Advocate.

For Respondent/State : Shri B. Gopa Kumar, Deputy AG.

For Respondent No.2 : Shri Neeraj Choubey, Advocate.

For Respondents 3, 4, 6 & 7 : Shri Dharmesh Shrivastava, Advocate.

For Respondent No.5 : Shri P.R. Patankar, Advocate.

For Intervenor : Shri Anumesh Shrivastava, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/09/2016

1. The issue brought before this Court in the present petition under Article 226 of the Constitution of India concerns election of the students union in Acharya Panth Shri Grindhmuni Naam Sahab Government Post Graduate College, respondent No.3.
2. Challenge has been thrown on the ground that respondent No.5 is disqualified from contesting election for the fact that he has failed in B.Com and had changed his subject to Arts.
3. It is common ground that during the pendency of the writ petition, elections have already been taken place and respondent No.5 has been declared elected as President of the Student Union of respondent No.3 college.
4. Shri Shrivastava, learned counsel appearing for intervener – Valmiki Verma would submit that the intervener is the nearest defeated candidate, therefore, he has interest in the outcome of the petition. He would also inform that the intervener has already raised a dispute in terms of Clause-21 of Ordinance No.I of the respondent/university read with para-6.8.4 of the judgment rendered by the Supreme Court in the matter of **University of Kerala (1) Vs. Council, Principals' Colleges, Kerala and Others** {(2006) 8 SCC 304}.

5. In view of the above, since the dispute has already been preferred/raised before the Dispute Resolution Committee, it may not be appropriate for this Court to allow parallel proceeding on the same issue. It is more so because any pleading filed in the present petition by the respondents would bind them in the election dispute, therefore, the petitioner should also be relegated to move a complaint before the Committee in terms of Clause-21 of Ordinance No.I.
6. Let the petitioner raise a dispute within a week from today and thereafter the said Committee shall consider the dispute and decide the same within a period of 6 weeks from the date of presentation of dispute by the petitioner, in accordance with law after hearing all the concerned parties.
7. With the aforesaid directions/observations, the Writ Petition stands disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve