

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-22041-2013 (O & M)
Date of decision: 22.08.2017**

Rajinder Singh

....Petitioner

V/s

Deputy Commissioner, Mansa-cum-Chairman, Khalsa High School, Mansa
and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Sunita, Advocate, for Mr. V.S. Chugh, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

Mr. L.S. Sidhu, Advocate, for respondent No.4.

Rajan Gupta, J. (Oral)

Petitioner has posed a challenge to order dated 16.08.2013 passed by respondent No.1 whereby Deputy Commissioner, Mansa, took the charge of Dashmesh Public School, Mansa, in light of order dated 12.08.2013, Annexure P-12, passed in CWP-17353-2013.

At the outset, it has been pointed out by learned counsel for respondent No.4 that aforesaid writ petition was dismissed. Petitioner preferred a letters patent appeal (LPA-1197-2014), which was disposed of on 30.07.2014. Operative part of the order reads as under:-

“The grievance of the appellants is that many ineligible persons who have been permitted to participate in the election process as members and also some of the eligible members were not permitted to participate in the election process. It is

also alleged that 15 days' notice was not given for holding of the election.

After hearing learned counsel for the appellants, we find that the eligibility or the absence of it, is a mixed question of law and facts. Therefore, said disputed questions cannot be appropriately adjudicated in the writ petition.

In view of the above, it shall be open to the appellants/writ petitioners to raise the dispute question of fact regarding eligibility of the members before the appropriate forum in accordance with law. As and when the petitioners invoke the appropriate remedy, the same shall be decided in accordance with the law expeditiously.”

In view of the above, no cause of action survives in this petition.

Disposed of.

Needless to say that the petitioner shall be at liberty to avail alternative remedy in terms of order passed in LPA-1197-2014.

August 22, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No