

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

CWP No.2834 of 2017

Date of Decision.17.02.2017

Ahir College Society, Rewari

.....Petitioner

Vs

The State of Haryana and others

.....Respondents

Present: Mr. Rajbirinder Singh Chahal, Advocate
for the petitioner.

Mr. Atul Lakhanpal, Senior Advocate with
Mr. Mukesh Mittal, Advocate
for caveator-respondent No.6.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-:-

AMIT RAWAL J. (ORAL)

Notice of motion.

Mr. Mukesh Mittal, Advocate accepts notice for respondent
No.6.

The main challenge in the writ petition is to the impugned letter
(Annexure P-14) whereby the Maharishi Dayanand University Rohtak vide
letter dated 08.03.2016 intimated the Director General, Higher Education
Haryana, Sector 5, Shiksha Sadan, Panchkula for appointment of
Administrator in Ahir College Society, Rewari on account of the fact that
the society had failed to hold the elections.

Mr. Chahal, learned counsel appearing for the petitioner
submits that the Ahir Society and Ahir College Society is the one society
and governing body is also the same but respondent No.6 filed objection
before the District Registrar, Firms and Societies, Rewari, who seized of the
matter, which is reflected from Annexure P-13 whereby the General

Secretary of Ahir College Society was prevented from holding the election.

He further submits that when, on one hand, the Registrar had restrained the Society to hold election, the parallel proceedings at the instance of the Maharishi Dayanand University for appointment of the Administrator is not permissible. In fact, the copy of minutes of meeting (Annexure P-7 and P-8) would reveal that election process has begun and in this regard, notice has been given to the members indicated in the minutes of meeting held on 11.04.2013 (Annexure P-8) and therefore, the appointment of Administrator is not sustainable in the eyes of law. In support of his contention, he relies upon the interim order passed by the Coordinate Bench of this Court on 30.11.2016 passed in CWP No.24590 of 2016.

Mr. Atul Lakhanpal, learned Senior Advocate assisted by Mr. Mukesh Mittal, Advocate appearing for respondent No.6 submits that the present writ petition is not maintainable, for, this is third round of litigation at the instance of the petitioner as vide CWP No.25041 of 2015, the petitioner had withdrawn the writ petition, though according to Mr. Chahal in writ petition bearing No.5134 of 2016, there was correction with regard to prayer for challenging the order dated 08.03.2016 which was wrongly mentioned as order dated 03.11.2015 and an objection in this regard was also taken, therefore, vide order dated 07.02.2017, the writ petition was ordered to be withdrawn, though liberty was granted to challenge the order dated 08.03.2016 instead of 03.11.2015.

The fact remains that the order dated 08.03.2016 is only a show cause notice, in essence, all the pleas raised in the present writ petition can always be enumerated in the reply in case the Director General Higher Education calls upon the Secretary/President or present incumbent of the

Society to respond the show cause notice, therefore, the writ petition is premature.

I have heard learned counsel for the parties and appraised the paper book. Without commenting upon the aspect of Ahir College Society and the governing body being same since the matter is seized before the Registrar, I am of the view that the Maharishi Dayanand University should not have written a letter to the Director General Higher Education for appointment of the Administrator since the predicament of present incumbent is writ large. The factum of proceeding further with the process of conducting election is being prevented under Annexure P-13.

The petitioner is permitted to raise all the pleas with regard to the society being one or not before the Registrar who seized of the matter but for the time being, I am of the view that the contemplated direction on behalf of the Maharishi Dayanand University to the Director General, Higher Education Haryana, Sector 5, Shiksha Sadan, Panchkula for appointment of the Administrator has to be kept in abeyance. Resultantly, Annexure P-14, regarding the appointment of the Administrator is directed to be kept in abeyance and a direction is issued to the Deputy Registrar/Registrar who seized of the matter as reflected in Annexure P-13 to decide the objections purported to have been filed by respondent No.6 as expeditiously as possible and preferably within a period of two months from the date of receipt of certified copy of this order.

The writ petition stands disposed of in the above terms.

(AMIT RAWAL)
JUDGE

February 17, 2017
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No