

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

CWP No.15109 of 2018 (O&M)

Date of Decision:3.7.2018

Rashmi Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sunil K.Nehra, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

This petition has been filed calling in question an election held to the Office Bearers of the Haryana Govt. College Teachers' Association (HGCTA) which is not said to have been conducted in accordance with the bye-laws. It is urged that the election has not taken place as per the bye-laws/constitution of the Association uploaded on the website which contains, inter alia, Bye-law 17 (I) and (K) which are not part of the Original bye-laws/constitution relating to elections. Bye-law 17 (I) provides that the General Memembers of concerned local unit will elect delegates by secret ballots under the control, supervision and direction of the observer before 20 days from the due date of the election. Bye-law 17 (K) provides that apart from the President and the Secretary, Local Unit will elect delegates in the ratio of one delegate per seven members. However, if members exceed multiple of seven than one additional delegate will be elected. The petitioner is a member of the Association and has prayed that the final Delegates List of Electoral College for the HGCTA Central Body election and the election notification should be declared bad having been held in contrvention to the registered bye-laws of the Association and in contravention to the Haryana Registration and Regulation of Societies Act, 2012. It is further prayed that the election held on 29th April, 2018 should be declared null and void and a fresh

election should be conducted as per the registered bye-laws of the

The petitioner before approaching this Court has moved a representation (Annex. P-4) to the District Registrar of Societies, Department of Industries and Commerce, Haryana, Hisar to take corrective measures. A clarification has been sought as to which of the two documents are authentic i.e. document available as constitution on the website i.e. www.hgcta.org, which is the official website of HGCTA or bye-laws at Annexure P-3 which has been supplied to the petitioner under request made under the Rights to Information Act, 2005. There is no clarity on this vital issue as to which of the two documents is the authentic version to be followed. This request was made by the petitioner on 17.5.2018, but has not received the attention of the District Registrar of Societies as he has not conveyed anything to the petitioner on the request.

Without going into the validity of the election at this stage, this petition is disposed of with a direction to the District Registrar of Societies, Department of Industries and Commerce, Haryana, Hisar to provide the correct position in law as to which of the two documents are the prevailing law on the election to the HGCTA within ten days from the date of receipt of a certified copy of this order. In case the election has been held not in accordance with law and prevailing bye-laws, then the District Registrar is directed to take corrective steps as would be deemed fit in due process of the law.

With these observations and directions, this petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

3.7.2018
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No