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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA 321/2019, CM No. 17037/209

**RAISINA BENGALI SCHOOL SOCIETY &
ORS**

..... Appellants

Through: Mr. Anukul Raj, Ms. Nikita Raj and
Ms. Deepti Gupta, Advs.

versus

RAJDEV YADAV & ORS

..... Respondents

Through: Ms. Garima Sharma, Adv. for R1 and
R2.

Ms. Sunita Kumari, Adv. for R4, 5
and 18.

Mr. Lohit Ganguly, Adv. for
respondent nos. 15,16,26 and 38.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.05.2019

Respondent nos. 3 and 30 have been served. It is the submission of Mr. Anukul Raj, learned counsel appearing for the appellants that the appellants shall not press this appeal, as appellant nos. 2 and 3 are also keen to contest the elections. His submission is the finding of the Trial Court in Paras 29 and 31 of the impugned Judgment inasmuch as, as members of the Governing Body, the appellants do not have the required qualification of Graduation is perverse, as they are Graduates. He states he will be

contended if this finding is not taken against the appellant nos. 2 and 3, when they file their nominations in election. This submission of Mr. Raj is controverted by the learned counsel appearing for respondent nos. 1, 2, 4, 5, 6, 18, 15, 16, 26 and 31. At the same time, they also state if such an issue arises, the same be decided by the Administrator-cum-ObsERVER.

Noting the submissions made by the learned counsel for respondents, I deem it appropriate to dispose of the appeal by holding that the findings in Paras 29 and 31 with regard to the eligibility of appellant nos. 2 and 3, if they file their nominations in election, shall not be conclusive and such an issue shall be decided by the Administrator-cum-ObsERVER independently overlooking the findings in the said paragraphs.

I note that in Para 39, the Trial Court has observed that the Administrator-cum-ObsERVER shall get the elections concluded within six weeks from the date of the order. Since, this appeal was pending in the Court, I only say that six weeks shall start running from today, i.e., the date of the order.

A copy of this order shall be sent to Justice S.P. Garg, retired Judge of this Court, who is the Administrator-cum-ObsERVER forthwith. Liberty is the Administrator-cum-ObsERVER to extend the time for concluding the election

for such period as deem fit by him. Parties are also at liberty to produce this order before Justice S.P. Garg (Retd.).

A copy of this order be given *dasti* under the Signatures of the Court Master.

CM No. 17037/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 06, 2019/jg