



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-18264-2023 (O&M)

Date of decision: 14.08.2024

Sanatan Dharam Mahila Mahavidyalaya, Hansi

...Petitioner

VERSUS

The State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Pawan Kumar, Sr. Advocate with
Ms. Vidushi Kumar, Advocate for the petitioner.

Mr. Suneel Ranga, DAG Haryana.

Mr. Puneet Gupta, Advocate for respondent No.3.

Mr. Vaibhav Narang, Advocate for respondents No.4 and 5.

VINOD S. BHARDWAJ, J. (Oral)

1. The petitioner-College has approached this Court challenging the order dated 04.08.2023 passed by respondent No.1-Additional Chief Secretary to the Govt. of Haryana, Deptt. of Higher Education.

2. Short reply by way of affidavit dated 12.03.2024, along with Annexures, on behalf of respondent No.4, has been filed today in the Court and the same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.

3. Learned senior counsel for the petitioner refers to the operative part of the order dated 04.08.2023 passed by respondent No.1-the Additional Chief Secretary to Government of Haryana, Higher Education Department, which reads thus:

“In view of the above, it has been observed without any hesitation that the management has completely failed to



perform its duties efficiently due to which staff of the college as well institution is suffering a lot. Hence, the Sub-Divisional Magistrate, Hansi is hereby appointed as Administrator of the Sanatan Dharam Mahila Mahavidyalya, Hansi with immediate effect under Section 3(1)(c) of Haryana Educational Institutions (Taking over of Management) Act, 1978, for a period of 3 years or till the elections of the governing body of Sanatan Dharam Mahila Mahavidyalya, Hansi, is conducted as per law, whichever is earlier in the interest of institution and staff and students at large.”

4. Learned senior counsel appearing on behalf of the petitioner contends that by virtue of the above order, the Sub-Divisional Magistrate, Hansi had been appointed as Administrator for a period of 3 years or till the time elections of the governing body of Sanatan Dharam Mahila Mahavidyalya, Hansi, is conducted as per law whichever is earlier, in the interest of institution and staff and students at large. He contends that he does not intend to raise a challenge to the appointment of the Administrator and has instructions to confine his prayer only to the extent that the Administrator-cum-Sub Divisional Magistrate, Hansi may be directed to conduct the elections expeditiously and in a time bound manner.

5. Learned State counsel submits that he has no objection to the aforesaid prayer. He infact contends that they have already written a communication to the District Registrar for ensuring that the record be made available.

6. Learned counsel for respondents No.4 and 5 has argued that the petitioner is not handing over the record of the Society for the elections to be



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conducted, as a result thereof, the entire process is being delayed. He further contends that an FIR against the petitioner has already been got registered by the competent authority. He however contends that he is not averse to the elections being held earlier.

7. I have heard the learned counsel appearing on behalf of the respective parties at length and have gone through the documents available on record.

8. A specific direction has already been issued by the Additional Chief Secretary to Government of Haryana, Higher Education Department to the Sub Divisional Magistrate Hansi-cum-Administrator of the Sanatan Dharam Mahila Mahavidyalya, Hansi to ensure that the elections of the governing body of the above said institution is held not later than 03 years. A period of more than 01 year has already elapsed and as per the case put up by the respondents, the Administrator-cum-Sub Divisional Magistrate, Hansi has proceeded no further than exchanging certain correspondence to the persons for handing over the record. No actual effective steps within his control as an Administrator apparently have been taken either by the office of the District Registrar, Firms and Societies or by the Administrator himself which shows lackadaisical attitude on the part of the Administrator and his intent to prolong the holding of elections. I do not foresee any reason as to why the Administrator should not initiate an expeditious process for ensuring that the elections to the governing body of the Sanatan Dharam Mahila Mahavidyalya, Hansi is held in a time bound manner so that the duly elected governing body of the College can run the affairs. The



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Administrative Authorities are merely an *ad hoc* arrangement and only a regular governing body can pursue the vision of the association and is hence required to be inducted at the earliest, in the best interest of the Institution.

9. It is also undisputed that the tenure of a governing body is prescribed as 03 years and the maximum period for which an Administrator can be appointed is also for a period of 03 years which is infact equal to the tenure of a duly elected governing body. The reins of the institutions should not ordinarily be run by nominated officials who look after the affairs as an *ad hoc* arrangement and every step and endeavor ought to be made by the Administrator to ensure that a duly elected body, as per the law, is inducted to run the affairs.

10. The present writ petition is accordingly partly allowed. The order dated 04.08.2023 passed by respondent No.1 is partly modified. The Administrator-cum-Sub Divisional Magistrate, Hansi is directed to ensure that the elections to the governing body of the Sanatan Dharam Mahila Mahavidyalya, Hansi is conducted within a further period of 01 year from the date of receipt of a certified copy of this order since a period of 01 year has already elapsed from the date of the impugned order.

(VINOD S. BHARDWAJ)
JUDGE

14.08.2024
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No