

Raj Kumar Vs. State of U.P. and ors.

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SooperKanoon Citation : sooperkanoon.com/487652

Court : Allahabad

Decided On : Sep-03-2008

Reported in : 2008(4)AWC3665

Judge : Rajes Kumar, J.

Appellant : Raj Kumar

Respondent : State of U.P. and ors.

Advocate for Pet/Ap. : Sri. N.L. Pandey

Disposition : Petition dismissed

Judgement :

ORDER

Rajes Kumar, J.

1. Heard Sri N.L. Pandey, learned Counsel for the petitioner, learned standing counsel appears on behalf of respondent Nos. 1, 2, 3 and 4 and Sri Ashok Mehta appears on behalf of respondent No. 5.

2. By means of the present writ petition, the petitioner is challenging the letter dated 7th January, 2008 issued by the Joint Director of Education, Meerut addressed to District Inspector of Schools, Meerut by which it has been informed that the Regional Level Committee has approved the election dated 27th October,

2007 in which Sri Ravindra Singh was elected as President and Sri Bijendra Singh was elected as Manager on the basis of the report and recommendation of the District Inspector of Schools, Meerut.

3. In the array of the party, the petitioner claimed to be the life member of the General Body of the institution but in the body of the petition there is no mention that the petitioner is the life member of the General Body.

4. Learned Counsel for the respondent submitted that the writ petition filed by the individual member challenging the letter dated 7th January, 2008 is not maintainable in view of the catena of decisions of this Court, namely, Bhagwan Kaushik v. State of U.P. and Ors. (2006) 2 UPLBEC 1372 : 2006 (5) AWC 4997 ; Kishan Chand v. State of U.P. and Ors. (2006) 2 UPLBEC, 1374 : 2006 (5) AWC 5218 ; Dr. P.P. Rastogi v. Meerut University Meerut. (1997) 1 UPLBEC 415 and in Special Appeal No. 194 of 2007, Anjani Kumar Mishra and Anr. v. State of U.P. and Ors. decided on 19.2.2007. He further submitted that Joint Director of Education, Meerut by the impugned letter dated 7th January, 2008 has informed the District Inspector of Schools, Meerut about the decision of the Regional Level Committee approving the election dated 27.10.2007 and the Committee of Management constituted therein. This letter is only letter of information. The petitioner has not challenged the order of the Regional Level Committee and the letter dated 7th January. 2008 is only consequential.

5. Learned Counsel for the petitioner submitted that the petitioner being the life member of the General Body has interest in the institution, therefore, has a right to challenge the order approving the election dated 27.10.2007 as well as Committee of Management constituted in the election. In support of his contention, he relied upon the decision of this Court in the case of Shyam Sunder Mishra v. Joint Director of Education and Anr. 2000 (1) ESC 450 : 2000 (1) AWC 2.2 (SC) (NOC).

6. Having heard the learned Counsel for the parties, I have perused the impugned order.

7. I do not find any substance in the argument of the learned Counsel for the petitioner.

8. In the cases of Dr. P.P. Rastogi v. Meerut University, Meerut (supra) and in Special Appeal No. 194 of 2007 Anjani Kumar Mishra and Anr. v. State of U.P. and Ors. decided on 19.2.2007 it has been held that filing of the writ petition by an individual member of the Committee of Management is not maintainable. The said Division Bench decisions have been followed by the learned single Judge in the case of Bhagwan Kaushik v. State of U.P. and Ors. (supra) and Kishan Chand v. State of U.P. others (supra).

9. In the case of Shyam Sunder Mishra v. Joint Director of Education and Anr. (supra) relied upon by the learned Counsel for the petitioner in which it has been held that the petitioner has neither contested the election nor participated in the election cannot be said to have acquired any locus. In the said case, petition has been filed by the life member of the institution claiming his right to participate in the election and even to contest the same. Therefore, this decision does not help the petitioner.

10. Moreover, in the writ petition, the petitioner has not challenged the order of Regional Level Committee and challenging the letter dated 7th January, 2008 of the Joint Director of Education, which is only consequential.

11. In view of the above, writ petition is devoid of any merit inasmuch as it is not maintainable and is, accordingly, dismissed.