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JamiluddIn Vs. Secretary, Board of High School and Intermediate and ors.

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Court : Allahabad

Decided On : Nov-13-2002

Reported in : 2003(3)AWC2191; (2003)1UPLBEC691

Judge : A.K. Yog, J.

Appeal No. : C.M.W.P. No. 9549 of 1999

Appellant : Jamiluddin

Respondent : Secretary, Board of High School and Intermediate and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : R.N. Bhalla, Adv.

Disposition : Writ petition dismissed

Judgement :

A. K. Yog, J.

1. One Sri Jamiluddin, claiming to be the Manager of the Managing Committee of Saghir Fatima Mohammadia Girls Inter College, Agra, has filed the present petition against the impugned order dated 18.3.1998 passed by Secretary, Board of High School and Intermediate, Allahabad, whereby the representation of the petitioner for continuing self centre of the said institution has been rejected. The petitioner

has not filed copy of the relevant Government order, referred to in the impugned order for perusal of the Court.

2. On the other hand, the Government order, referred to in the impugned order, however, goes to show that there was absolute direction for having self centre for girls' institution for holding Board examination.

3. The impugned order further shows that District Level Committees were formed for finalising the list of centres for conducting Board examinations and the said District Level Committee at Agra had not assigned any centre for the students of the above mentioned institution. According to the impugned order itself (which fact has not been disputed in the writ petition) such centres were situated within 2-4 kms. The impugned order further shows that the District Level Committee did not select the petitioner's institution as centre for conducting Board of High School/Intermediate examinations inasmuch as the centres for holding such examinations were enough and sufficient to accommodate all the examinees of the said year.

4. In view of the above, the decision taken by the District Level Committee, as held by the Secretary of U. P. Board, cannot be said to be irrelevant or extraneous. The decision not to have self centre for the girls students of the petitioner's institution as self centre cannot be said to be arbitrary. The decision, in view of the fact stated in the impugned order, is fully Justified and cannot be interfered with, There is no error apparent on the face of record in the impugned order.

5. While parting with the case, I would like to note that no Manager has any right to challenge the selection of centres. The Court takes judicial notice of the fact that self centres are places of well manipulation and designed centres for permitting candidates to use unfair means by charging money and that is sole interest of the Managers of such institutions. U. P. Board and District Level Committees should be given free hand for selecting centres and this Court should not, particularly in exercise of its jurisdiction under Article 226, Constitution of India, interfere with the same as it is an administrative decision. It goes without saying that this Court has always jurisdiction to interfere with the Administrative orders in the rarest of rare cases, provided petitioner furnishes sufficient material to show that such decision

has been taken arbitrarily or with some ulterior motives.

6. In the end, I would also like to note that there is no material on record on behalf of the Committee of Management authorising the present petitioner to challenge the impugned order. Jamiluddin has filed this petition in his personal name. The Committee of Management, as such, obviously has no grievance against the decision of the District Level Committee for not continuing self centre at the petitioner's institution. There is no material in the case.

7. The writ petition stands dismissed. No order as to costs.

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