

(2002) 09 AHC CK 0171

Allahabad High Court

Case No: C.M.W.P. No. 18833 of 1999

Balika Shiksha Seva Samiti and
Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Sept. 3, 2002

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2002) 5 AWC 3635

Hon'ble Judges: Anjani Kumar, J

Bench: Single Bench

Advocate: L.P. Singh, A.K. Shukla and V.K. Shukla, for the Appellant; A.P. Sahi, G.K.Singh and S.N. Singh and S.C., for the Respondent

Final Decision: Dismissed

Judgement

Anjani Kumar, J.

The Petitioner No. 1, which is a society registered under the provisions of the Societies Registration Act and the Petitioner No. 2 who is Manager of Balika Shiksha Seva Samiti, Chilkahar, district Ballia, have filed this writ petition for the following reliefs:

(1) issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 31.3.1999 passed by Respondent No. 6 in favour of Respondent No. 5 at the instance of Respondent No. 7 (Annexure-7).

(2) issue a writ, order or direction in the nature of mandamus commanding the Respondents from utilising/spending the amount released under the order dated 21.3.1999.

(3) issue any other suitable writ, order or direction which this Hon"ble Court may deem fit and proper in the circumstances of the case.

(4) award cost of the writ petition.

2. The Petitioners' case is that pursuant to the advertisement published in the newspaper inviting application for establishing Kanya High School in different Development Blocks including Chilkahar with which the present Petitioner is a member. The Petitioners applied for establishment of Girls High School and Intermediate College in Block Chilkahar, district Ballia.

3. The case of the society is that institution was selected vide Annexure-3 to the writ petition by the committee and it is this institution known as Maharana Pratap Balika Shiksha Sansthan which has been recommended by the committee to be approved. After the institution Maharana Pratap Balika Shiksha Sansthan has been selected by the impugned order, the same has been de-listed. It is this order which is under challenge by means of the present writ petition.

4. From the perusal of the array of parties, it is, in fact, Maharana Pratap Balika Shiksha Sansthan which can be said to be aggrieved party and none of rights of the Petitioners are affected by the impugned order and thus, they have no right to maintain the present writ petition.

5. In view of what has been stated above, at the instance of the present Petitioner, this writ petition is not maintainable and it is liable to be dismissed as such.

6. In the result, the writ petition is dismissed. The interim order, if any, stands vacated.