

(2011) 05 AHC CK 0379

Allahabad High Court

Case No: Special Appeal No. 846 of 2011

Sarvesh Kumar Tyagi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: May 10, 2011

Hon'ble Judges: R.K. Agrawal, J; Bharati Sapru, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

1. The present appeal has been filed against the judgment and order dated 13.4.2011 passed by the learned Single Judge whereby the writ petition preferred by the Appellant, challenging the order dated 27th September, 2010 whereby the objections filed by him was rejected by the District Inspector of Schools, had been disposed of.

2. We have heard Sri V.K. Upadhyay, learned Counsel for the Appellant, learned Standing Counsel, who represents Respondent Nos. 1 and 2 and perused the impugned judgment and order dated 13.4.2011 passed by the learned Single Judge, giving rise to the present appeal, grounds taken in the memo of appeal and documents filed along with the appeal.

3. Learned Counsel for the Appellant submitted that in the writ petition, apart from the order dated 27.9.2010, passed by the District Inspector of Schools rejecting the Appellant's objection, challenge was also made to the order dated 27.9.2011, passed by the District Inspector of Schools whereby the newly constituted Committee of Management has been approved. He further submitted that the learned Single Judge had only went upon the order dated 27.9.2010 insofar as it rejected the Appellant's objection.

4. So far as the order passed by the learned Single Judge rejecting the writ petition by holding that the objection of the Appellant has rightly been rejected by the District Inspector of Schools is concerned, we do not find any legal infirmity in the

said order as the Appellant had contested the election without raising any objection regarding the validity of the voter list, the nominations filed and the posts for which the elections were held and after losing the elections had turned around to say that the elections were held on the basis of incorrect voter list, posts not provided in the Scheme of Administration etc.

5. It is not clear as to whether the order approving the newly constituted Committee of Management was specifically questioned before the learned Single or not.

6. Be that as it may, if the order rejecting the objection has been upheld then the necessary corollary is that newly constituted Committee of Management has to be approved. We do not find any legal infirmity in the impugned judgment and order dated 13.4.2011.

7. The appeal fails and is dismissed.

8. Dismissed.

9. For orders, see order of date passed on separate sheets.