



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 1656 of 2026**

Committee Of Management Janta Janardan Shiksha  
Sadon Inter College Tilaon And Another .....Petitioner(s)

Versus

State Of U.P. And 5 Others .....Respondent(s)

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Counsel for Petitioner(s) : Chandra Jeet Yadav, Saurabh Tripathi  
Counsel for Respondent(s) : C.S.C., Satya Prakash Rai, Vashishtha  
Dhar Shukla, Yogita Shukla

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**Court No. - 37**

**HON'BLE KSHITIJ SHAIENDRA, J.**

1. When the matter was heard by a Coordinate Bench of this Court on 05.02.2026, an argument raised on behalf of the petitioners was noted to the effect that two members signing the impugned order passed by the Regional Level Committee are same. This opinion was formed by looking at the signatures appearing at page 105 of the paper book and, consequently, learned Standing Counsel was directed to obtain written instructions in the matter.

2. Shri Kartikeya Saran, learned Additional Advocate General has produced instructions before this Court, in paragraph-4 whereof, it is indicated that after the transfer of Deputy Director of Education (Intermediate), Vindhyaachal Region, Mirzapur, w.e.f. 06.03.2025, additional charge of the said post is with Mr. Udaibhan, i.e., the Joint Director of Education and, therefore, at the time of signing the order impugned dated 08.08.2025, it was Mr. Udaibhan who put his signatures at two places.

3. Both sides have read out the language incorporated in the Government Order dated 19.12.2000, the reason behind issuance of the same was apparently misuse of the powers by the officers involved in the proceedings arising out of U.P. Intermediate Education Act, 1921 and U.P. Act No. 24 of 1971. Apparently, three members' committee was sought to be and was actually constituted under the said Government Order and there is no mention in the Government Order as to when the

said quorum of three members is not complete, what would be the effect of the decision taken by remaining members.

4. At this stage, arguments on behalf of the respondents have been advanced based upon the doctrine of necessity and Mr. Kartikeya Saran has submitted that considering the nature of duties entrusted by the Government to be carried out by the Regional Level Committee, as indicated in paragraphs 1 to 5 at the end of the Government Order, such Committee has to regularly hold meetings twice within a month so that functioning of the educational institutions may not be hampered. Based upon this plea, it is submitted that merely because one of the three members constituting Regional Level Committee was absent on account of his transfer and the charge of the transferred authority was with the Joint Director of Education himself on the date when the order was signed, the order cannot be vitiated on this ground.

5. Shri R.K. Ojha, learned Senior Counsel has also made submissions based upon the doctrine of necessity and it is contended that under the U.P. Intermediate Education Act, 1921 if the Joint Director of Education alone passes an order based upon the stipulations contained under Section 16(A-7) of the Act, 1921, his order cannot be invalidated and, therefore, on this ground, the order impugned cannot be interfered with.

6. Shri Prabhakar Awasthi, learned Senior Counsel appearing for the petitioners has pointed out that the order records some proceedings prior to transfer of Deputy Director and some after his transfer and, therefore, it is apparent that the matter was partly heard by three members and partly by two members and mere holding of dual charge by Joint Director of Education would not validate the order impugned. It is also submitted that the doctrine of necessity cannot be applied for committing abuse and misuse of the powers and, in any case, if there is a vacancy of one of three members, opinion should be sought either from the State Government or the Director of Education regarding the recourse to be undertaken instead of deciding the matter by remaining two members.

7. Reliance has also been placed upon some orders passed by this Court in which identical plea was raised but the same was not decided and based

upon the consent of parties, the matter was referred to some other Regional Level Committee comprising of three persons.

8. In view of the above, as on today, issue raised regarding incomplete forum appears to be not settled at least by this Court.

9. All the parties are granted time to bring material on the issue involved and address the Court so that the issue raised be settled.

10. At the request of learned counsel for the parties, **put up as fresh** on **24.03.2026**.

**(Kshitij Shailendra,J.)**

**March 17, 2026**

AKShukla/-