

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4144 OF 2006

(arising out of SLP(C)No.20908 of 2005)

MAHENDRA KUMAR SINGH &amp; ANR.

...

APPELLANTS

VERSUS

STATE OF U.P. &amp; ORS.

... RESPONDENTS

O R D E R

Leave granted.

Heard the parties.

The dispute involved in this appeal is with regard to the election of the Committee of Management, Janta Inter College, Barewa, Chunar, District -Mirzapur, U.P. The apple of discord in this appeal is, as to whether the election said to be held on 18.1.2004 or subsequent election said to be held on 1.2.2004 is valid. We are not called upon to decide this dispute as under Section 16-A (7) of the Intermediate Education Act, 1921 (in short 'the Act'). The civil court of competent jurisdiction can decide such a dispute.

The sole question that calls for consideration in this appeal is that in the interregnum which set up office bearers shall manage and control over the funds and

the Administration of the Institute. Many orders have been passed including the one passed by the Regional Joint Director of Education on 4.9.2004, the legality and validity of which has been assailed before the learned Single Judge and before the Division Bench. Be that as it may, we are not prepared to enter into this controversy in view of the order that we propose to pass.

Admittedly, neither of the parties has instituted a civil suit questioning the validity of the election. At the same time the order passed by the Regional Joint Director of Education on 4.9.2004 has not indicated as which set up of the office bearers who have the control over the funds and managing the administration of the Institute prior to passing of the order. Similarly, it will be a futile exercise of power to remit back the matter to the Regional Joint Director of Education to decide afresh after making enquiry as provided under Section 16-A (7) read with an explanation thereunder as that would take unnecessarily a lengthy procedure delaying to institute the civil suit by the parties.

Considering all these circumstances, we are of the view that the ends of justice would be met if this appeal is disposed of with a direction that in the meantime the District Inspector of Schools shall take over the management and control over the funds and run the administration of the Institute till such time the dispute is resolved by a civil court of competent jurisdiction or any interim order that may be passed by the civil court. This order is passed by consensus.

The order passed by the Regional Joint Director of Education and the

orders passed by the High Court are set aside. The appeal is disposed of accordingly.

.....J.

( H.K. SEMA )

.....J.

( P.K. BALASUBRAMANYAN )

NEW DELHI,

SEPTEMBER 13, 2006.

ITEM NO.3

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20908/2005

(From the judgement and order dated 15/09/2005 in SA No. 1078/2005 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MAHENDRA KUMAR SINGH & ANR.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln(s) for urging addl. grounds, permission to file rejoinder affidavit and prayer for interim relief and office report) (for final disposal)

Date: 13/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Dr. R.G. Padia, Sr.Adv.

Mr. Rajeev Dubey, Adv.

Mr. Jeevan Prakash, Adv.

For Respondent(s)

Mr. M.N. Krishnamani, Sr.Adv.

Mr. P.K. Jain, Adv.

Mr. P.K. Goswami, Adv.

5

Mrs. Shobha Dixit, Sr.Adv.

Ms. Niranjana Singh ,Adv

Mr. Sandeep Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

he  
ms  
The order passed by the Regional Joint Director of Education and t  
orders passed by the High Court are set aside. The appeal is disposed of in ter  
of the signed order.

(PAWAN KUMAR)  
NGH)

COURT MASTER

(ANAND SI

COURT MASTER

(signed order is placed on the file)