

Court No. - 1

Case :- SPECIAL APPEAL No. - 536 of 2021

Appellant :- C/M Lucknow Christian College Thru. President/Manager & Anr.

Respondent :- State Of U.P. Thru. Addl. Chief Secy., Deptt. Of Finance & Ors.

Counsel for Appellant :- Kazim Ibrahim

Counsel for Respondent :- C.S.C., Zainuddin Mohammad Siddiq

Hon'ble Ramesh Sinha, J.

Hon'ble Vivek Varma, J.

Supplementary affidavit, filed today, is taken on record.

Heard Sri J.N. Mathur, Senior Counsel assisted by Sri Kazim Ibrahim, learned counsel for the appellants, Sri Anand Kumar Singh, learned Standing Counsel for respondent nos. 1 and 2 and Sri Zainuddin Mohammad Siddiq, learned counsel for respondent nos. 4 to 6.

Learned counsel for the appellants at the outset submits that he may be permitted to delete the name of appellant no.1 from the array of parties to which counsel for the respondents has no objection.

The prayer is accepted. Let the name of appellant no.1 be deleted from the array of parties during the course of the day.

The present intra court appeal has been filed against the judgment and order dated 16.12.2021 passed by learned Single Judge in Misc. Single No. 29556 of 2021 (Bishop Subodh C.Mondal and others vs. State of U.P. through Addl. Secretary Finance, Lucknow and others), whereby the District Magistrate, Lucknow has been directed to take over the charge of Society as Administrator.

Learned counsel for the appellant submits that the Lucknow Christian College is a society registered under the Societies Registration Act, 1960 in the year 1877 to look after and manage the affairs of (i) Lucknow Christian Intermediate College; (ii) Christian Training College; (iii) Christian College of Physical Education; (iv) Centennial Higher Secondary School; and (v) Lucknow Christian College School. It is submitted that the respondent no.4 herein preferred a writ petition seeking quashing of orders dated 31.03.2021 and 03.06.2021 passed by respondent no.2 by which respondent no.6 was removed from the Committee of Management.

The learned Single Judge vide order dated 16.12.2021 passed

an interim order whereby the District Magistrate, Lucknow was directed to take over the charge of Society as Administrator and to see that the affairs of the institution run by the society are properly managed.

It is urged that while passing the order dated 16.12.2021 the learned Single Judge travelled beyond the pleadings and considered the case which was never brought before the Court and he erroneously appointed the District Magistrate as Administrator in a minority institution.

It is also urged that there is no provision of law whereby the District Magistrate may be appointed as Administrator in a minority institution.

Matter requires consideration.

All the respondents pray for and are granted four weeks' time to file their counter affidavit. Two weeks' time thereafter is allowed for filing rejoinder affidavit.

List thereafter.

Having regard to the facts and circumstances of the case, the order dated 16.12.2021 passed by learned Single Judge, insofar as, it directs for appointment of District Magistrate as Administrator, the same shall remain stayed until further orders of this Court. However, the society shall, as of from now, not take any policy decision(s) or any major decision and will only perform the routine tasks that are essential to keep it functional. Needless to add that the disbursement of the salary to the teachers and non-teaching staffs as well as day to day expenditure shall be made. The society is also restrained from alienating its properties.

Order Date :- 22.12.2021
S.S.

(Vivek Varma, J.) (Ramesh Sinha, J.)