



CWP No. 8413 of 2017

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 8413 of 2017

Date of decision : February 11, 2025

Radhey Shyam

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajesh Arora, Advocate, for the petitioner

Mr. Rajesh Gaur, Addl. AG, Haryana
for respondent Nos. 1, 2 and 4

Mr. AS Virk, Advocate, for respondent No.3

Mr. Salil Dev Singh Bali, Advocate, for respondent No. 6

Respondent No. 5 already *ex parte* on 8.8.2017

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, prayer is made for quashing of order dated 3.3.2017 issued by the Administrator-cum-SDO, whereby the management of MPN College has been handed over to respondent no. 6 illegally, and in total contravention to the order dated 12.2.2015 passed by this Court in CWP No. 5133 of 2012.

2. Succinctly; in the instant case the State of Haryana in exercise of its powers vested under Section 3(1)(i) of the Haryana Private Colleges (Taking over of Management) Act, 1978, appointed the Administrator of the aforesaid college on dated 6.1.2012, on account of mismanagement.



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The appointment of Administrator, caused grievance to the petitioner-Society, and propelled them to file CWP No. 5133 of 2012. That writ petition was finally disposed of with a direction upon the Administrator concerned, to make compliance of Section 3(5) of the aforesaid Act, and further to hand over the management, along with college property, to the duly constituted Management Committee of the college, after completion of three years. The Administrator concerned, vide order dated 3.3.2017, handed over the charge of the management of the College to the President, MPN Education Society, Mullana, Ambala. This order has been challenged by the petitioner before this Court by submitting that, at that time when the charge of the management was handed over to the so-called President of the Society, there was no legally constituted/elected Management Committee. It is further submitted that even the Administrator himself sought clarification by filing a miscellaneous application CM-4345-CWP-2015 in CWP-5133-2012, and without getting the said application adjudicated, management was handed over to the then President.

3. At this stage, learned counsel for the respondent no. 6-Management interjected, and informed this Court that the instant petition has been rendered infructuous, as now the election has already been conducted, and a new Management Committee has been constituted, and is presently managing the affairs of the college concerned. He further submits that the election of the Management Committee is already



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challenged by the petitioner, and the election petition is pending before the District Registrar, Firms and Societies, Ambala, and there is no stay, whatsoever, upon the Management Committee to run the management.

4. In view of the supervening events, this Court is of the view that prayer made in the instant petition has been rendered infructuous.

5. **Dismissed as having been rendered infructuous.**

6. However, the petitioner is at liberty to continue with his election petition, which is pending before the District Registrar, Firms and Societies, Ambala.

February 11, 2025

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**(KULDEEP TIWARI)
JUDGE**

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No