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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.161 OF 2013

Ramji Assar Vidyalaya Wadi Trust ...Petitioner
V/s.
Election Commissioner of India & Ors. ...Respondents

WITH
WRIT PETITION NO.231 OF 2013

Mumbai Pradesh Arya Vidya Sabha ...Petitioner
V/s.
Election Commissioner of India & Ors. ...Respondents

WITH
WRIT PETITION NO.335 OF 2013

S.P.R.J. Kanyashala Trust ...Petitioner
V/s.
Election Commissioner of India & Ors. ...Respondents

WITH
WRIT PETITION NO.270 OF 2013

Sheth Dhanji Devshi Rashtriya Shala ...Petitioner
V/s.
Election Commissioner of India & Ors. ...Respondents

Mr.Dilip G. Bagwe for the Petitioner in all the Writ Petitions.

Mr.Pradeep Rajagopal for Respondent Nos.1 to 5 in W.P. Nos.161 of 2013, 231 of 2013 and 270 of 2013, & Respondent Nos.1 to 6 in W.P. No.335 of 2013.

Ms.Geeta Shastri, A.G.P. for the State – Respondent No.6 in W.P. Nos. 161 of 2013 and 231 of 2013.

Mr.D.A. Nalawade, Government Pleader for Respondent No.6 in W.P. No. 270 of 2013 & for Respondent No.7 in W.P. No.335 of 2013.

**CORAM : S.J. VAZIFDAR &
R.Y. GANOO, JJ.
DATE : 19TH MARCH, 2013.**

P.C. :-

1. It is agreed that the issue raised in this writ petition is identical to the issue raised in Writ Petition No.1841 of 2009, wherein the following order is passed :-

“1. The contention raised before us is that a private aided school is not a local authority within the meaning of Section 29 of the Act of 1950. Therefore, the staff of such school cannot be summoned for election duty.

2. Rule.

3. Operation of the impugned order is stayed till final disposal of the writ Petition.

4. Liberty to file reply within 8 weeks from today. Rejoinder within four weeks thereafter. Liberty to mention for early hearing of the matter.”

2. The Division Bench has therefore, expressed a *prima-facie* opinion that the petitioner and similarly situated organizations do not fall within the ambit of section 29 of the Representative of the People Act, 1950.

3. In the circumstances, Rule. The operation of the impugned orders is stayed pending the hearing and final disposal of the writ

petition. Respondent No.1 shall therefore, refrain from issuing similar orders hereafter.

4. The respondents waive service.

(R.Y. GANOO, J.)

(S.J. VAZIFDAR, J.)

Bombay High Court