

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WA No. 44 of 2025

**(Ref:- Arising from the order dated 31-07-2025 passed
by Ld. Single Bench in WP(C) No. 112 of 2025)**

Sanasam Premchandra Singh, aged about 48 years, S/o (L)
Sanasam Jaramajao @ Jabamjao Singh, Kumbi Salangkonjin
Part-2, Near Public Community Hall, P.O. Moirang, P.S. Kumbi,
District Bishnupur, Manipur -795133.

... Appellant

-Versus-

1. The Kumbi College, Kumbi, a registered society bearing
Registration No. 5924 of 1985 represented by its Chairman,
Shri Moirangthem Mangi Singh, aged about 92 years, S/o (L)
M. Jacob Singh, resident of Kumbi Thong Leikai, Kumbi
Ward No. 5, P.O. Moirang, P.S. Kumbi, District Bishnupur,
Manipur – 795133.

... Writ petitioner/ Principal Respondent

2. State of Manipur represented by the Secretary (Hr. & Tech.
Education), Government of Manipur, Secretariat South
Block, Babupara, P.O. & P.S. Imphal, District Imphal West,
Manipur – 795001.
3. The Director of Univ. & Higher Education, Government of
Manipur, Office at Nityaipat Chuthek, P.O. & P.S. Imphal,
District Imphal West, Manipur – 795001.
4. Shri L. Gopal Singh, aged about 65 years, resident of
Khudekpi Mamang Leikai, P.O. & P.S. Moirang, District
Bishnupur, Manipur – 795133; Political Science Department,
Kumbi College, Kumbi.

... Respondents

- AND -

IN THE MATTER OF:

In WP(C) No. 112 of 2025

The Kumbi College, Kumbi, a registered society bearing Registration No. 5924 of 1985 represented by its Chairman, Shri Moirangthem Mangi Singh, aged about 92 years, S/o (L) M. Jacob Singh, resident of Kumbi Thong Leikai, Kumbi Ward No. 5, P.O. Moirang, P.S. Kumbi, District Bishnupur, Manipur – 795133.

... *Petitioner*

-Versus-

1. State of Manipur represented by the Secretary (Hr. & Tech. Education), Government of Manipur, Secretariat South Block, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
2. The Director of Univ. & Higher Education, Government of Manipur, Office at Nityaipat Chuthek, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
3. Shri L. Gopal Singh, aged about 65 years, resident of Khudekpi Mamang Leikai, P.O. & P.S. Moirang, District Bishnupur, Manipur-795133; Political Science Department, Kumbi College, Kumbi.

...*Respondents*

B E F O R E

**HON'BLE THE CHIEF JUSTICE M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

For the Appellant	:: Mr. N. Mahendra, Advocate
For the Respondents	:: Mr. N. Kumarjit, Senior Advocate asstd. by Mr. N. Zequeson, Advocate; Mr. Athouba Khaidem, GA asstd. by Mr. Phungyo Zingkhai, Deputy GA & Mr. S. Suresh, Advocate
Date of Hearing	:: 20-11-2025
Date of Judgment	:: 25-11-2025

J U D G M E N T

(Order of the Court was made by Mr. A. Bimol Singh, Judge)

[1] Heard Mr. N. Mahendra, learned counsel appearing for the appellant; Mr. N. Kumarjit, learned senior counsel assisted by Mr. N. Zequeson, learned counsel appearing for the respondent No. 1, Mr. Athouba Khaidem, learned GA and senior counsel assisted by Mr. Phungyo Zingkhai, learned Deputy GA appearing for the respondents No. 2 and 3 and Mr. S. Suresh, learned counsel appearing for the respondent No. 4.

The present writ appeal has been filed assailing the judgment and order dated 31-07-2025 passed by the learned Single Judge in WP(C) No. 112 of 2025 and three connected misc. applications (hereinafter referred to as “**impugned judgment and order**” for clarity)

[2] The brief facts which culminates in filing the present appeal are that the principal respondent No. 1 (hereinafter referred to as “**writ petitioner**” for clarity) filed a writ petition being WP(C) No. 112 of 2025 in this court challenging the order dated 03-02-2025 issued by the appellant (who was the respondent No. 3 in the said writ petition) appointing the respondent No. 4 as Principal of Kumbi College, Kumbi.

[3] The said order dated 03-02-2025 appointing the respondent No. 4 as Principal of Kumbi College (hereinafter referred to as “**impugned order**” for clarity) was challenged on the following, among other, grounds:-

- (i) The impugned order has been issued by the appellant without any authority to issue such order;
- (ii) The impugned order has been issued on the basis of a manufactured/ non-existent resolution of the Governing Body of Kumbi College, alleged to have been taken in a meeting held on 30-01-2025;
- (iii) The impugned order has been issued without prior approval of the Director of University & Higher Education, Government of Manipur and in violation of the provisions under Rule 4(A)(v) of the Manipur Aided College Employees (Service) Rules, 1974;
- (iv) The procedure prescribed in the Manipur Education Code, 1982 for appointment of Principal of an Aided College was not followed while issuing the impugned order; and
- (v) The respondent No. 4 is over aged and not eligible for appointment against the post of Principal of Aided College in terms of provisions under the Manipur Education Code, 1982 as he had already crossed the age of 65 years.

[4] Only the appellant contested the writ petition by filing an affidavit-in-opposition as well as an additional affidavit and by raising the following points:-

- (i) The writ petition is not maintainable in the present form as the writ petitioner, viz., Kumbi College, Kumbi, which is a registered society, cannot be represented by the Chairman of the Governing Body of the said society since Article 26 of the Regulations/ Bye-Laws of the said society provides that the College can sue or be sued in the name of the Secretary only;
- (ii) The Chairman, who filed the writ petition in his representative capacity, does not have the locus standi for filing the petition as any of his legal rights have not been violated in any way by the impugned order dated 03-02-2025; and
- (iii) The writ petition has not been filed with clean hands and clean heart and there is deliberate suppression of material facts in order to obtain favourable orders from this court and as such, the writ petition is liable to be dismissed.

[5] The learned Single Judge, after hearing the submissions made on behalf of the contesting parties and after elaborately

discussing the merits of all the rival submissions, allowed the writ petition with the following observations and directions:-

“[47] It is an admitted fact in the present case that there is no approval of the Director of Education for the appointment of the respondent No. 4 as Principal of the Kumbi College, both as a regular or as a temporary incumbent. On the other hand, the respondent No.4 whose date of birth is 07.02.1960, is to retire on 06.02.2025 on attaining the age of 65 years and in any case, he cannot be considered for appointment as a Principal of a Government College, as no person is eligible for appointment as Principal beyond the age of 62 years.”

“[48] This Court is of the considered view that the appointment of the respondent No. 4 as Principal of Kumbi College by the respondent No. 3 vide order dated 03.02.2025 purportedly in terms of resolution No. 3 of the emergency meeting of the Governing Body held on 30.01.2025 cannot be sustained for the following reasons:

(i) The Selection Committee which recommended the respondent No. 4 was not by the Committee as stipulated by Section 4A(ii) of the Manipur Aided College Employees (Service) Rules, 1974 and mandatory prior approval of the Director of Education as contemplated under Sub-rule (v) of Rule 4 has not been granted till date. Respondent No.4 was not in the list of shortlisted candidates.

(ii) Even for the appointment of temporary vacancy under Rule 5 as projected by the respondent No. 3, the same is also in violation of the provisions of Rule 5, as maximum term is for 3 (three) years and that too, with the prior approval of the Director of Education, Manipur.”

“[49] Accordingly, the impugned order dated 03.02.2025 issued by respondent No. 3 appointing respondent No. 4 as Principal of Kumbi College is set aside with a direction to the Governing Body to initiate appointment of Principal on regular basis in terms of the mandatory provisions of the rules of 1974 as discussed above. Till then, eligible seniormost faculty member of the college may be appointed as in-charge Principal after following the relevant rules. In order to avoid any difficulty in the functioning of the college and applying ‘the principles of prospective overruling’, the normal administrative and

academic decisions already taken by the respondent No.4 are deemed to be done by a duly appointed Principal, except the notification dated 03.07.2025.”

“[50] It may be noted that vide order dated 08.07.2025 in MC(WP(C) No. 478 of 2025, this Court stayed the notification dated 03.07.2025 issued by the respondent No. 4 as Principal for recruitment of teaching and non-teaching staff, as his very appointment is being challenged before this Court. It is clarified that the appointment of teaching and non-teaching staff may be initiated by a duly appointed Principal either on in-charge or on regular basis.”

Having been aggrieved, the appellant filed the present appeal assailing the impugned judgment and order.

[6] Mr. N. Mahendra, learned counsel reiterated before us the same points raised by him before the learned Single Judge and submitted that the writ petition is not at all maintainable.

The first limb of his arguments is that the writ petitioner is a society registered under the Societies Registration Act, 1860 (hereinafter referred to as “**old Act**” for clarity) and having its own Regulations/ Bye-Laws named as Constitution of the Governing Body. It has been submitted that under Article 26 of the said Constitution, it is, inter alia, provided that all suits by or against the College should be in the name of the Secretary and the Governing Body also will have power to appoint a person for the purpose of any special particular occasions. According to the learned counsel, the said College can sue or be sued only in the name of the Secretary and

nobody else as provided under Article 26 of the Constitution of the Governing Body. The learned counsel, accordingly, submitted that the Chairman of the Governing Body has no locus standi to file the writ petition as he is not an authorised person to represent the said College and to file the writ petition and as such, the writ petition is not at all maintainable.

In support of his contention, the learned counsel relied on the following case laws:

1. **“Illachi Devi (Dead) by LRs & ors. Vs. Jain Society, Protection or Orphans India & ors.”** reported in **(2003) 8 SCC 413** wherein it has been held as under:-

“31. A bare perusal thereof would show that a society registered under the Societies Registration Act as contradistinguished from a company registered under the Companies Act cannot sue in its own name. It is to be sued in the name of the President, Chairman, or Principal Secretary or trustees as shall be determined by the rules and regulations of the society or in the name of such person as shall be appointed by the governing body for the occasion in default of such determination. It is, therefore, not correct to contend that it is capable of suing or being sued in its own name.”

2. **“P. Nazeer Etc. Vs. Salafi Trust & anr.”** reported in **2022 SCC OnLine SC 382**, wherein it has been held as under:-

“15. The aforesaid finding is completely contrary to law. A society registered under the Societies Registration Act is entitled to sue and be sued, only in terms of its bye-laws. The bye-laws may authorise the President or Secretary or any other office bearer to institute or defend a suit for and on behalf of the society. Under section 6 of the Societies Registration Act, 1860, “every society registered under the Act may sue or be

sued in the name of President, Chairman, or Principal Secretary, or trustees, as shall be determined by the rules and regulations of the society and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion". Even the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, which is applicable to parts of Kerala carries a similar provision in section 9. Therefore, unless the plaintiff in a suit which claims to be a society, demonstrates that it is a registered entity and that the person who signed and verified the pleadings was authorised by the bye-laws to do so, the suit cannot be entertained. The fact that the plaintiff in a suit happens to be a local unit or a Sakha unit of a registered society is of no consequence, unless the bye-laws support the institution of such a suit."

[7] It has been argued by the learned counsel for the petitioner that there is no conflict or repugnancy between the provision of Article 26 of the Constitution of the Governing Body and the provision of Section 19 of the Manipur Societies Registration Act, 1989. It has also been argued by the learned counsel that even if there is conflict or repugnancy between the provision of the said Article 26 and the Section 19 of the Societies Registration Act, the provision of the said Article 26, being a special law, will prevail over the provision of Section 19 of the Societies Registration Act as the said provision of the Manipur Societies Registration Act, 1989 is a general law.

In support of his contention, the learned counsel relied on the principle laid down by the Hon'ble Apex Court in the case of **"Commercial Tax Officer, Rajasthan Vs. M/S Binani Cements**

Ltd. & anr.” reported in **(2014) 8 SCC 319** wherein it has been held

as under:-

“32. Before we deal with the fact situation in the present appeal, we reiterate the settled legal position in law, that is, if in a statutory rule or statutory notification, there are two expressions used, one in general terms and the other in special words, under the rules of interpretation, it has to be understood that the special words were not meant to be included in the general expression. Alternatively, it can be said that where a statute contains both a general provision as well as specific provision, the latter must prevail.”

“34. It is well established that when a general law and a special law dealing with some aspect dealt with by the general law are in question, the rule adopted and applied is one of harmonious construction whereby the general law, to the extent dealt with by the special law, is impliedly repealed. This principle finds its origins in the Latin maxim of *generalia specialibus non derogant* i.e. general law yields to special law should they operate in the same field on same subject (Vepa P. Sarathi, *Interpretation of Statutes*, 5th Edn., Eastern Book Company; N.S. Bindra's *Interpretation of Statutes*, 8th Edn., The Law Book Company; Craies on Statute Law, S.G.G. Edkar, 7th Edn., Sweet & Maxwell; Justice G.P. Singh, *Principles of Statutory Interpretation*, 13th Edn., Lexis Nexis; Craies on Legislation, Daniel Greenberg, 9th Edn., Thomson Sweet & Maxwell, Maxwell on Interpretation of Statutes, 12th Edn., Lexis Nexis).”

“35. Generally, the principle has found vast application in cases of there being two statutes: general or specific with the latter treating the common subject-matter more specifically or minutely than the former. *Corpus Juris Secundum*, 82 C.J.S. Statutes § 482 states that when construing a general and a specific statute pertaining to the same topic, it is necessary to consider the statutes as consistent with one another and such statutes therefore should be harmonised, if possible, with the objective of giving effect to a consistent legislative policy. On the other hand, where a general statute and a specific statute relating to the same subject-matter cannot be reconciled, the special or specific statute ordinarily will control. The provision more specifically directed to the matter at issue prevails as an exception to or qualification of the provision which is more general in nature, provided that the specific or

special statute clearly includes the matter in controversy (Edmond v. United States, Warden v. Marrero)."

"36. *The maxim generalia specialibus non derogant is dealt with in Vol. 44(1) of the 4th Edn. of Halsbury's Laws of England at Para 1300 as follows:*

"The principle descends clearly from decisions of the House of Lords in Seward v. Vera Cruz and the Privy Council in Barker v. Edger and has been affirmed and put into effect on many occasions.... If Parliament has considered all the circumstances of, and made special provision for, a particular case, the presumption is that a subsequent enactment of a purely general character would not have been intended to interfere with that provision; and therefore, if such an enactment, although inconsistent in substance, is capable of reasonable and sensible application without extending to the case in question, it is prima facie to be construed as not so extending. The special provision stands as an exceptional proviso upon the general. If, however, it appears from a consideration of the general enactment in the light of admissible circumstances that Parliament's true intention was to establish thereby a rule of universal application, then the special provision must give way to the general."

[8] The second limb of the arguments advanced by the learned counsel for the appellant is that the writ petitioner did not approach this court with clean hands and clean heart and that there is deliberate suppression of material facts in order to obtain favourable orders from this court and as such, the writ petition is liable to be dismissed. Elaborating this point, the learned counsel for the appellant submitted that the meeting of the Governing Body of the Kumbi College was convened on the scheduled date, i.e., on 30-01-2025 with the participation of 9 (nine) members and resolutions were passed in the said meeting for appointing the respondent No. 4 as Principal of the

said College. However, the Chairman of the Governing Body did not append his signature and another member also walked out. It has been submitted that by concealing these facts, the writ petitioner deliberately maintained that the meeting of the Governing Body of Kumbi College, scheduled on 30-01-2025, was not convened for lack of quorum in order to obtain favourable order from this court. The learned counsel, accordingly, submitted that, on this count alone, the writ petition is liable to be rejected outright. In support of such contention, the learned counsel cited the following case law:-

(2013) 2 SCC 398 “Kishore Samrite Vs. State of Uttar Pradesh & ors.” wherein it has been held as under:-

- “36. The party not approaching the court with clean hands would be liable to be non-suited and such party, who has also succeeded in polluting the stream of justice by making patently false statements, cannot claim relief, especially under Article 136 of the Constitution. While approaching the court, a litigant must state correct facts and come with clean hands. Where such statement of facts is based on some information, the source of such information must also be disclosed. Totally misconceived petition amounts to an abuse of process of court and such a litigant is not required to be dealt with lightly, as a petition containing misleading and inaccurate statement, if filed, to achieve an ulterior purpose amounts to an abuse of process of court. A litigant is bound to make “full and true disclosure of facts”. (Refer : Tilokchand Motichand v. H.B. Munshi. A. Shanmugam v. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana Paripalanai Sangam, Chandra Shashi v. Anil Kumar Verma, Abhyudya Sanstha v. Union of India, State of M.P. v. Narmada Bachao Andolan, Kalyaneshwari v. Union of India.)”**
- “37. The person seeking equity must do equity. It is not just the clean hands, but also clean mind, clean heart and clean objective that are the equi-fundamentals of judicious litigation. The legal maxim *jure naturae aequum est neminem cum alterius detrimento***

et injuria fieri locupletiolem, which means that it is a law of nature that one should not be enriched by the loss or injury to another, is the percept for courts. Wide jurisdiction of the court should not become a source of abuse of process of law by the disgruntled litigant. Careful exercise is also necessary to ensure that the litigation is genuine, not motivated by extraneous considerations and imposes an obligation upon the litigant to disclose the true facts and approach the court with clean hands.

“38. No litigant can play “hide and seek” with the courts or adopt “pick and choose”. True facts ought to be disclosed as the court knows law, but not facts. One, who does not come with candid facts and clean breast cannot hold a writ of the court with soiled hands. Suppression or concealment of material facts is impermissible to a litigant or even as a technique of advocacy. In such cases, the court is duty-bound to discharge rule nisi and such applicant is required to be dealt with for contempt of court for abusing the process of court. (K.D. Sharma v. SAIL.)”

[9] The third limb of the arguments on behalf of the appellant is that it is a settled position of law that if the petitioner does not have a direct and personal interest in the matter or failed to demonstrate that he had been directly affected by any alleged illegality or abuse of authority, the court may refuse to entertain the writ petition due to lack of standing. That being the position of law, the writ petition is liable to be dismissed as the writ petitioner has not shown anywhere in the writ petition that he has a direct and personal interest in the matter of appointment of respondent No. 4 as Principal of Kumbi College.

[10] Another point raised by the learned counsel appearing for the appellant during the course of argument is that necessary party has not been impleaded in the writ petition and as such, the writ

petition is liable to be rejected on ground of non-impleadment of necessary party. Elaborating this point, it has been submitted by the learned counsel that the Secretary of the Governing Body, Kumbi College, who issued the impugned order is not impleaded as one of the respondents in the writ petition even though the writ petitioner seeks for quashing and setting aside the said impugned order in the writ petition. According to the learned counsel, the Secretary of the Governing Body of Kumbi College is a necessary party in the writ proceedings and non-impleadment of such necessary party is fatal to the writ petition.

[11] After hearing the submissions advanced by the learned counsel appearing for the appellant at length and on careful perusal of the impugned judgment and order of the learned Single Judge, we are of the considered view that the arguments advanced by the learned counsel appearing for the appellant before us is nothing but reiteration of the submissions made before the learned Single Judge and that the learned Single Judge had already considered such arguments and elaborately deal with the same in the impugned judgment and order. We are also of the considered view that there is no substance or merit in the arguments advanced by the learned counsel appearing for the appellant and we do not find any ground or material to disagree with the findings and decisions arrived at by the

learned Single Judge in the impugned judgment and order. The reasons for arriving at such conclusions are as under:-

- (1) In connection with the first limb of the arguments, it is to be pointed out that the Kumbi College, Kumbi, was registered under the old Act, i.e., the Societies Registration Act, 1860. Under Section 6 of the old Act, it is, inter alia, provided that a Society registered under the Act may sue or be sued in the name of the President, Chairman, or Principal Secretary, or Trustees, **as shall be determined by the rules and regulations of the society (emphasis supplied)**. In terms of the said provision of Section 6 of the old Act, the Governing Body of the Kumbi College, while framing its regulations named as Constitution of the Governing Body, have determined under Article 26 of its Constitution that all suits by or against the College should be in the name of the Secretary.

Subsequently, the Manipur Societies Registration Act, 1989 (new Act) was enacted by the Manipur Legislature with the assent of the President of India which came into force w.e.f. 17-03-1990. The application of the old Act to the State of Manipur was repealed by Section 32(1) of the new

Act. In Section 32 sub-section (2) proviso (a) of the new Act,
it is provided as under:-

“32(2) Any society registered in any place within the State of Manipur, under the Registration Act, 1860, shall be deemed to have been registered under this Act, and its principal office shall be deemed to be the registered office of the society:

Provided that –

(a) The memorandum of association and the regulations of any such society shall, if they are repugnant to any of the provision of this Act and the rules, be brought in conformity therewith within the six months from the Commencement of this Act or within such further period as the Registrar may allow, and thereafter shall, to the extent of such repugnancy, be deemed to be void and of no effect.”

(1-a) The corollary is that on enforcement of Section 32 of the
new Act –

(i) The old Act has been repealed in its application to the
State of Manipur;

(ii) Any society registered in any place within the State of
Manipur under the old Act shall be deemed to have been
registered under the new Act;

(iii) The memorandum of association and the regulations of
any such society, if there is any repugnancy with any
provisions of the new Act, unless brought in conformity
with the provisions of the new Act within the prescribed
period, shall to the extent of such repugnancy be
deemed to be void and of no effect.

(1-b) There is a fundamental difference between the provision of Section 6 of the old Act and Section 19 of the new Act, which are reproduced hereunder for ready reference:-

“6. Suits by and against societies. – Every society registered under this Act may sue or be sued in the name of the president, chairman, or principal secretary, or trustees, as shall be determined by the rules and regulations of the society and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion.”

“19. Suits and proceeding by and against a society: - (1) Every society may sue or be sued in the name of the President, the Secretary, or any office-bearer authorised the Registrar in this behalf.”

(1-c) Under the old Act, the society can determine the official or officials to represent it while framing its rules and regulations whereas under the new Act, the Act itself provides officials to represent a society.

(1-d) In the present case, the society has already determined under Article 26 of its regulations that the society can sue or be sued in the name of the Secretary only and that no action has been taken by the society to amend or modify the provisions of the said Article 26 of its regulations to bring it in conformity with the provision of Section 19 of the new Act. Therefore, we are of the considered view that there is repugnancy between the provisions of the said Article 26 of the societies regulations and the provision of Section 19 of

the new Act and that by operation of law, as provided under Section 32(2)(a) of the new Act, such repugnancy shall be deemed to be void and of no effect. We are, accordingly, of the view that the President or the Secretary or any authorised Office Bearer can represent a society as provided under Section 19 of the new Act and that the writ petition in its present form is maintainable.

- (1-e) There is also another aspect of the matter to be considered. Section 31 of the new Act empowers the State Government to make rules for carrying out the purpose of the Act and in exercise of the said power, the State Government has framed a rule called the **Manipur Societies Registration Rules, 2004** (hereinafter referred to as “**the Rule**” for Clarity). Rule 4 of the said Rules provides for framing regulations of the society which shall contain provisions, among others, the name of the person or officer, if any, authorized to sue or be sued on behalf of the society. The rules and regulations of the society is framed under this delegated power as provided under Rule 4 of the said Rules. According to us, the rules and regulations of a society framed under Rule 4 of the said Rules cannot be treated as a statutory rule at par with the provisions of the Rules

or the provisions of the Societies Registration Act. It is trite principle of law that if there is a conflict between the rules made under the proviso to Article 309 of the Constitution of India or under a delegated provision of an Act and the law made by the appropriate legislature, the law made by the appropriate legislature will prevail and if there is a conflict between the executive instructions or guidelines and the rules made under the proviso to Article 309 of the Constitution of India or under a delegated provision of an Act, the rules made under proviso to Article 309 or under a delegated provisions of an Act will prevail. It is elementary principle of law that a bye-law or a rule framed under an Act cannot override the express provisions of the Act. It must be consistent with and subordinate to the provisions of the Act. In such view of the settled principle of law, we cannot subscribe ourselves to the submissions made by the learned counsel appearing for the appellant and that the provisions of Article 26 of the societies regulations shall prevail over the provision of Section 19 of the new Act and we are of the considered view that such submissions are misconceived and contrary to the well-settled principle of law.

- (2) With regard to second limb of the argument advanced by the learned counsel for the appellant, the claim and counter claim made by the writ petitioner and the appellant is about convening or non-convening of the meeting of the Governing Body of Kumbi College on the scheduled date, i.e., on 30-01-2025. The plea taken by the writ petitioner is that the meeting of the said Governing Body which was scheduled on 30-01-2025 could not be convened for want of quorum as well as on the objection raised by certain members against the continued membership of the appellant as the Secretary of the said Governing Body and accordingly, no resolution was taken. On the other hand, the stand taken by the appellant is that the writ petitioner, i.e., the Chairman of the Governing Body was present and presided the General Body Meeting held on 30-01-2025 though he refrained from signing the proceeding of the meeting. In our considered view, such claim and counter claim is nothing but a disputed question of fact which we cannot decide in the present proceedings. On examination of the record, we do not find any material to come to the conclusion that the writ petitioner has deliberately concealed material facts and as such, we cannot bring

ourselves to agree with the submissions made by the learned counsel appearing for the appellant that the writ petition is liable to be dismissed outright for concealment of material facts.

[12] With regard to the third limb of the argument advanced by the learned counsel for the appellant, it may be pointed out that the writ petition has been filed on behalf of the society by its Chairman in a representative capacity (not in a personal capacity) challenging the impugned order dated 03-02-2025 on the ground that the appellant had issued the same illegally ultra-virus the relevant rules and on the basis of a non-existent and manufactured resolution of the Governing Body alleged to be taken in its meeting held on 30-01-2025. In such view of the matter, we are of the considered view that there is no question of involvement of any personal interest or personal grievances or affecting any personal rights and as such, we are not inclined to accept the arguments advanced by the learned counsel appearing for the appellant.

[13] With regard to the additional point raised by the learned counsel appearing for the appellant during the course of hearing of the present appeal that the writ petition is liable to be dismissed for non-joinder of necessary party, we are not inclined to entertain such submission as the appellant has neither raised such point in his

pleadings in connection with the writ petition nor has he raised any such point before the learned Single Judge at the time of hearing of the writ petition. We are not inclined to allow the appellant to challenge the impugned judgment and order of the learned Single Judge on grounds not raised by him during the proceedings of the writ petition. Moreover, as the person who issued the impugned order, i.e., the appellant himself, has been impleaded as one of the respondents in the writ petition, we are of the considered view that there is no question of non-impleadment of necessary party. Accordingly, we are not inclined to accept such submission advanced by the learned counsel appearing for the appellant.

[14] In the facts and circumstances of the present case and in view of the findings and reasons given hereinabove, we are of the considered view that the case laws cited by the counsel for the appellant is of no help to the case of the appellant.

In the result, the writ appeal and the connected application are hereby dismissed as being devoid of merit, however, without any order as to cost.

JUDGE

CHIEF JUSTICE

Devananda

FR / NFR