



2025:AHC:168198

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 31619 of 2025

Committee Of Management, Sri Maheshwar Inter
College Sasni Gate And 2 Others

.....Petitioner(s)

Versus

State Of Up And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ajay Kumar, Pradeep Kumar Upadhyay
Counsel for Respondent(s)	: C.S.C., Prabhakar Awasthi

Court No. - 32

HON'BLE CHANDRA DHARI SINGH, J.

1. The instant writ petition has been filed challenging the impugned order dated 14.08.2025 passed by respondent no.4, Regional Level Committee.
2. Learned counsel appearing on behalf of the petitioners submitted that the Regional Level Committee has passed the impugned order without jurisdiction and also without taking into consideration of settled law. It is also submitted that the petitioners' society is registered society since 1945.
3. Learned counsel appearing on behalf of the petitioners submitted that the impugned proceedings as well as consequential impugned orders dated 14.08.2025 and 19.08.2025 passed by respondent nos.4 and 6 are therefore, contrary to the statute, the settled law and judgment and order passed by the Division Bench of this Court in Special Appeal No.212 of 2022 (Smt. Girja Singh Vs. Committee of Management Intermediate College Amethi and others). He has relied upon the paragraph no.13 of the said judgment.
4. Learned counsel appearing on behalf of the petitioners referred the documents of renewal of the society, which is appended as Annexure No.5 with the writ petition and submitted that the Society is renewed till October, 2025. Learned counsel for the petitioners submitted that the tenure of Committee of Management is for five years. It is duly constituted in the year 2022 till the year 2027. He further submitted that the statutory bodies under the legal obligations, decided the matter and have taken decision in accordance with provisions of the approved scheme of administration by the competent authority of the educational department.
5. Learned counsel appearing on behalf of the petitioners submitted that the

impugned orders were passed only on the basis of order dated 23.12.2024 passed by the Deputy Registrar, Firms, Societies and Chits, Agra, which has already been challenged by the petitioners in statutory appeal before the appellate authority under the Societies Registration Act. The appeal is still pending.

6. Learned counsel appearing on behalf of the petitioners also apprised the Court that only two members have adjudicated the entire dispute not three. It is further submitted that the petitioners pressed the interim application before the appropriate authority.

7. In view of the above facts and arguments, the impugned orders are illegal, contrary to law, arbitrary, without taking into consideration of certain facts of the case, therefore, deserves to be set aside.

8. Per contra, Sri Prabhakar Awasthi, learned counsel appearing on behalf of respondent no.9 vehemently opposed the writ petition and submitted that the instant writ petition is nothing, but gross misuse of process of law. It is also submitted that the registered society is not in existence as its registration has already been cancelled vide order dated 23.12.2024, which is appended as Annexure No.11 with the writ petition. Since, the Society is not in existence, therefore, the general body which itself elected the Committee of Management for Institution, is also not in existence. It is also fairly argued that the business of the Societies is to be governed by the approved scheme of Administration. While referring Clause 4 of the Societies Registration Act (for short "the Act") submitted that after cancellation of registration of the Society, there is no general body in existence, therefore, the Committee of Management is also not in existence. It is also submitted that the judgment which has been relied by the petitioners, are not applicable in the instant case.

9. Sri Awasthi, learned counsel further submitted that in Writ Petition No.24881 of 2025, the order of cancellation was challenged but the same was not pressed and only prayed to decide the pending appeal expeditiously. It is also apprised the Court that the application for interim order is pending before the appellate authority, but not pressed by the petitioners.

10. It is submitted that in view of above submissions, the petitioners have measurably failed to make out any case and therefore, the instant case may be dismissed as devoid of any merit.

11. Heard learned counsel appearing on behalf of the petitioners, Sri Prabhakar Awasthi, learned counsel appearing on behalf of respondent no.9, learned Standing Counsel appearing on behalf of the State, perused the contents made in the writ petition and the documents on record.

12. The petitioners' Institution has submitted the list of members of general body in the office of Deputy Registrar, Firms, Societies and Chits, Agra under Section 4(B) of Societies Registration Act, 1860. The Deputy Registrar, Firms, Societies and Chits, Agra has passed the order dated 23.12.2024 without considering the material on record and without application of mind. The petitioners had preferred statutory appeal along with stay application before the appellate authority. The appeal as well as stay application are still pending. The respondent no.9 had filed a complaint before the authority concerned, whereby it has been sought to appoint the authorized controller replacing the Committee of Management of the petitioners vide complaints dated 28.12.2024, 08.01.2025 and 28.04.2025. The Regional Level Committee passed an order dated 14.08.2025 and District Inspector of Schools passed the order dated 19.08.2025 on the complaints made by respondent no.9. For proper adjudication of the instant writ petition, it is required to quote the relevant paragraph of the impugned orders dated 14.08.2025 and 19.08.2025 as below:-

"Impugned order dated 14.08.2025

उपरोक्त विवेचना एवं निष्कर्ष के आधार पर मण्डलीय समिति द्वारा सर्वसम्मति से लिये गये निर्णयानुसार माध्यमिक शिक्षा अधिनियम 1921 की धारा 16डी के तहत यथोचित कार्यवाही हेतु शासन को प्रस्ताव भेजे जाने तथा शासन द्वारा निर्णय लिये जाने तक विद्यालय के प्रबन्धकीय खाता के संचालन को प्रतिबन्धित किये जाने का निर्णय लिया गया। साथ ही मण्डलीय समिति द्वारा यह भी निर्णय लिया गया कि अधिनियम की धारा 16डी के अन्तर्गत शासन द्वारा निर्णय लिये जाने तक विद्यालय के शिक्षक / शिक्षणेत्तर कर्मचारियों के नियमित वेतन भुगतान की व्यवस्था को दृष्टिगत रखते हुए वेतन वितरण अधिनियम 1971 में प्रदत्त शक्तियों का प्रयोग करते हुए जिला विद्यालय निरीक्षक अलीगढ़ यथोचित कार्यवाही सुनिश्चित करेंगे।

"Impugned order dated 19.08.2025

महेश्वर इण्टर कालेज, अलीगढ़ की प्रबन्ध समिति विवाद के सम्बन्ध में मण्डलीय समिति द्वारा लिये गये निर्णय के पृष्ठानक संख्या 3209-14/2025-26 दिनांक 14.08.2025 के आलोक में विद्यालय में वेतन वितरण आदि कार्यों हेतु संयुक्त खाते का वेतन वितरण अधिनियम 1971 की धारा 5 (1) में निहित प्राविधानुसार माध्यमिक शिक्षा अधिनियम 1921 की धारा 16 डी के तहत यथोचित कार्यवाही हेतु शासन को प्रस्ताव भेजे जाने एवं शासन द्वारा निर्णय लिये जाने तक विद्यालय के प्रबन्धकीय खाता के संचालन को प्रतिबन्धित करते हुए विद्यालय में वेतन वितरण खाते का एकल संचालन किया जाता है, जिसका संचालन वित्त एवं लेखाधिकारी

(मा०शि०) कार्यालय जिला विद्यालय निरीक्षक, अलीगढ़ एवं कार्यालय द्वारा अधिकृत प्रधानाचार्य द्वारा संयुक्त हस्ताक्षरों से किया जायेगा।

जिला विद्यालय निरीक्षक
अलीगढ़"

13. Taking into consideration the reasons assigned in the impugned orders, as Society is not in existence, therefore, as per Clause 4 of the Scheme of Administration, Management of the Institution is also not in existence.

14. In view of the above, I do not find any cogent reason to interfere in the impugned orders.

15. The writ petition is devoid of merit and it is accordingly **dismissed**.

September 18, 2025

Atul

(Chandra Dhari Singh,J.)