



2026:UHC:2056-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

24th March, 2026

Special Appeal No. 04 of 2026

Anuj Singh Chauhan

-----Appellant

Versus

Committee of Management, Rashtriya Inter College,
Rohalki, Bahadarabad, District Haridwar and others

-----Respondents

Presence:-

Mr. Siddharth Singh, learned counsel for the appellant.

Mr. Parikshit Saini, learned counsel for the respondent no1.

Mr. S.M.S.Mehta, learned Brief Holder for the State/respondents no. 2 to 5.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The present *intra court* appeal is directed against the order and judgment of learned Single Judge dated 30.12.2025, passed in Writ Petition (M/S) No. 1795 of 2024.

2. The writ petition was filed by non-appellant no. 1 (*hereinafter referred to as 'the petitioner'*). It had challenged orders dated 15.03.2024, 28.06.2024 and 29.06.2024 passed by respondent no.3 Regional Additional Director, Secondary Education, Garhwal Region, District Pauri Gahwal. By order dated



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15.03.2024, the Regional Additional Director, acting on a complaint made by respondent no. 5- the past President of Rashtriya Inter College, Rohalki, Bahadrabad, District Haridwar, in respect of induction of 89 members in the general body of the society, which runs the institution, held that the induction was illegal and consequently the unopposed election of the petitioner-Committee of Management becomes doubtful. He accordingly directed the District Education Officer to cancel the enrolment of new members and appoint Authorized Controller for holding fresh elections. By order dated 28.06.2024, the Regional Additional Director has reiterated the earlier order dated 15.03.2024 and by order dated 29.06.2024, he appointed an Authorized Controller for running the Rashtriya Inter College, Rohalki, Bahadrabad, District Haridwar (*hereinafter referred to as 'the college'*).

3. The petitioner claimed to be elected in a meeting held on 10.04.2023 by the authorized controller. The election was approved by the Chief Education Officer on 15.04.2023. The challenge to the orders passed by the Regional Additional Director was based on the ground that in the past also the appellant herein, i.e., Anuj Singh Chauhan, questioned the induction of 89 members on the ground that they were inducted within 6 months of



the expiry of the term of the Committee of Management, contrary to Clause-7 of the approved Scheme of Administration and therefore, the induction of new members was illegal. The relevant part of the said clause is as follows:

“प्रबन्ध समिति का यह दायित्व होगा कि समिति का तीन वर्ष का कार्यकाल पूर्ण होने से 6 माह पूर्व सदस्य बनाने की प्रक्रिया पूर्ण करेगी, जिससे यथा समय समिति के चुनाव कराये जा सकें तथा प्रबन्ध संचालक की नियुक्ति की स्थिति उत्पन्न न हो।”

4. The challenge was duly entertained and inquired into by the Chief Execution Officer and ultimately, by order dated 07.02.2023, the Chief Education Officer held that the members were duly inducted. Accordingly, he approved the list of members. The case of the petitioner in the writ petition was that the said order had attained finality, as it was not challenged in appeal before the Regional Additional Director, Secondary Education, which was permissible under Clause 13 (2) of the Scheme of Administration. Thereafter, the election was held on 10.04.2023 by the Authorized Controller and the same was duly approved on 15.04.2023. After the election was held, the appellant questioned the validity of the elections by means of a complaint dated 10.03.2024 by again racking up the issue relating to alleged wrongful induction of members



before the Additional Director of Education though the order of Chief Education Officer dated 07.02.2023 had attained finality as no appeal was preferred against the said order. It was also the case of the petitioner that, in any event, the appellant was questioning the election of the Committee of Management and, for which the remedy was available under Section 25 of the Societies Registration Act.

5. The learned Single Judge has examined the issues in great detail and has thereafter recorded the following findings:-

- (A) The complaint filed by respondent no. 5 against induction of 89 members in the General Body was duly entertained by the Chief Education Officer and after due inquiry, he upheld the enrolment of new members by order dated 07.02.2023. Under Clause 13(2) of the Scheme of Administration, an appeal lies against the order of Chief Education Officer to Regional Additional Director but no such appeal was filed.
- (B) The power of Chief Executive Officer and Additional Director are concurrent and once the complaint was filed before the Chief Education Officer and it was duly inquired and a decision is taken



thereupon, similar complaint was not maintainable before the Regional Additional Director.

- (C) The provision in Clause-7 in the Scheme of Administration providing for enrolment of members before six months of the expiry of the term of the Committee of Management is only directory and not mandatory as the Scheme does not provide for any adverse consequences. Moreover, intention of the provision is only to ensure holding of timely election and not to *per se* invalidate the enrolment, if otherwise validity made.
- (D) The appellant had in fact questioned the election held with the inclusion of newly enrolled members, for which remedy is provided under Section 25 of the Societies Registration Act, which he can avail.
- (E) There was no dispute between the parties regarding effective control of the affairs of the Institution as the appellant never claimed to be in control of the Management and, therefore, the power vested in the Regional Additional Director of Education under Section 29 (7) of the Uttarakhand School Education Act, 2006 was not available for passing any order.



6. We notice that the appellant had indulged in successive rounds of litigation. His first writ petition was dismissed by the Court on 12.12.2022 after finding that the appellant had already availed the remedy of Civil Suit being O.S. No. 4 of 2022, and which was pending at the relevant time. Against the said order the appellant filed Special Appeal, which was dismissed on 03.03.2023. Thereafter, the appellant withdrew the suit and filed a fresh suit, being O.S. No.53 of 2023 for declaration that the induction of newly elected members was illegal. By means of amendment, the appellant also sought declaration that election held on basis of the said list be declared illegal and void. The appellant, withdrew the said suit on 14.05.2024. He thereafter got a Writ Petition filed through one Yogesh Kumar challenging the election of the Committee of Management on the ground that individual notices were not given to the members as per the Scheme of Administration. The said Writ Petition was also withdrawn on 23.10.2024. The initial complaint as already noted came to be decided by the Chief Education Officer on 07.02.2023 and thereafter without filing any appeal against the same, another complaint was filed before the Additional Director of Education and wherein the appellant succeeded in obtaining favourable order in



his favour which has now been set aside by the writ court.

7. Learned counsel for the appellant submits that the sole question for consideration in the instant appeal is whether the requirement in Clause-7 of the Scheme of Administration that power of enrolment of new members could be exercised only before six months of the expiry of the term of the Committee of Management can be held to be directory as has been done by the learned Single Judge or it is a mandatory provision. In support of the submissions, he has placed reliance on the judgments reported in *AIR 1961 Supreme Court 751 (V48 C 119), State of Uttar Pradesh and others vs. Babu Ram Upadhyia*; reported in *AIR 1965 Supreme Court 895 (V 52 C 141) Raza Buland Sugar Co. Ltd., Rampur vs. The Municipal Board, Rampur*; and *Balwant Singh and others vs. Anand Kumar Sharma and others*, reported in, (2003) 3 *Supreme Court Cases* 433.

8. Learned counsel for the appellant does not dispute that in an earlier complaint filed before Chief Education Officer, after due inquiry, the plea was repelled by order dated 07.02.2023 and although under the Scheme of Administration vide Clause 13(2) appeal lies against the said order before the Director of



Education but no such appeal was filed. The issue was racked up by way of fresh complaint before the Regional Additional Director of Education after fresh election were held and approved. It is also not disputed that the power of the Chief Education Officer and the Additional Director, in relation to complaints against any illegal induction of members, is concurrent in nature and, therefore, once complaint was filed before the Chief Education Officer and it was entertained and rejected, similar complaint would not be maintainable before the Regional Additional Director of Education. In view of it, we do not consider it necessary to dwell on the question raised by learned counsel for the appellant regarding mandatory or directory nature of Clause 7 of the Scheme of Administration.

9. It is not disputed before us that the appellant had earlier filed two writ petitions which were subsequently withdrawn/dismissed and even the Civil Suit was also filed and after sometime it was also withdrawn.

10. The appellant, on the face it, has been abusing the process of court and once the fact that the order of Chief Education Officer dated 07.02.2023 was not challenged in appeal is not disputed, nor dismissal of the



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previous writ petitions and withdrawal of the Civil Suit filed for the selfsame relief for declaration of induction of new members as illegal, we feel that filing of fresh complaint before the Additional Director of Education was gross abuse of the legal process. In line with the same, we also feel that filing of the present appeal is also abuse of process of law and it being devoid of any merit is dismissed with a cost of Rs. 1,00,000/- (Rupees One Lakh) to be deposited by the petitioner before the Uttarakhand State Legal Services Authority within two weeks from today, failing which, the cost would be recovered as arrears of land Revenue.

11. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 24.03.2026

Kaushal