



2026:AHC:103353

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 12337 of 2026

Committee of Management, S.M. College Chandausi and another
.....Petitioner(s)

Versus

State of U.P. and 3 others
.....Respondent(s)

Counsel for Petitioner(s)	: Manish Tiwari, Saurabh Tripathi, Sr. Advocate
Counsel for Respondent(s)	: C.S.C., Girish Kumar Yadav, Prashant Mathur

Reserved on 29.4.2026
Delivered on 6.5.2026

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. The Committee of Management S.M. College Chandausi, District Sambhal is before this Court by way of filing present writ petition through its Secretary.

2. It is on record that Committee of Management has already approached this Court earlier by way of filing various writ petitions which were disposed of by different Single Bench of this Court and some of the orders are under challenge before the Division Bench of this Court. Therefore, for proper consideration of present case, Court takes note of an Office Memo dated 14.1.2026 passed by the Special Secretary, Government of U.P. whereby an

Authorised Controller was appointed and that said order was upheld by a Single Bench of this Court vide a judgement dated 18.3.2026 passed in Writ-C No. 5820 of 2026 and same has been challenged before Division Bench of this Court by way of filing a Special Appeal, however, presently there is no interim order, therefore, at this stage judgment dated 18.3.2026 still holds good and order of appointment of Authorised Controller is still in force.

3. Present case is arising out of an order dated 06.01.2026 whereby Vice Chancellor of Guru Jambheshwar University, Moradabad has declined to recognize election of petitioner Committee of Management held on 5.10.2025 under the provisions of Section 2(13) of Uttar Pradesh State Universities Act 1973 (hereinafter referred to as 'Act of 1973') on a ground that said elections were conducted in absence of an Observer appointed by said University. For reference Section 2 (13) of the 'Act of 1973' is reproduced hereinafter:

"(13) "Management" in relation to an affiliated or associated college, means the Managing Committee or other body charged with managing the affairs of that college and recognised as such by the University :

¹[Provided that in relation to any such college maintained by a Municipal Board or a Nagar Mahapalika, the expression "Management", means the Education Committee of such Board or Mahapalika as the case may be and the expression "Head of the Management" means the Chairman of such Committee];"

4. The Vice Chancellor while passing the impugned order has referred an earlier order dated 24.8.2025 passed by the Vice Chancellor whereby a recommendation was made under Section

58 (1) of the 'Act of 1973' for appointment of Authorised Controller which was subsequently appointed by above referred order dated 14.1.2026, which is still in force.

5. Sri Prabhakar Awasthi, learner Senior Advocate assisted by Sri Saurabh Tripathi, learned counsel for the petitioner submits that there is no mandatory requirement that election of a Committee of Management of a College affiliated to a University be conducted in presence of an observer appointed by said University, though in normal course, a request is always made that an Observer be appointed and in present case also, a request was made on 29.9.2025 and again on 4.10.2025 to send an Observer for election scheduled on 5.10.2025. However, when no Observer was sent by the University, election of Committee of Management took place on 5.10.2025 and details thereof was forwarded to the Vice Chancellor of concerned University for its recognition.

6. Learner Senior Advocate further submitted that under the provisions of 'Act of 1973', the Vice Chancellor has no power to decide any dispute of election of Committee of Management and in case recognition could not be granted for any reason, papers could be remitted back to cure procedural defect if any. No order for refusal to grant recognition can be passed.

7. Learner Senior Advocate also refers that no one has disputed or challenged the election of Committee of Management, held on 05.10.2025 therefore, there was no valid reason for the Vice Chancellor not to recognise the election.

8. Learner Senior Advocate in support of his submissions placed reliance on a judgment passed by this Court in **Banaras Hindu University Vs. Arya Vidya Sabha Kashi, 2003 0 Supreme (All)**

2723, that Vice Chancellor can not decide any dispute of elections set up by rival committees.

9. Per Contra, Sri Prashant Mathur, learned counsel for the respondent University and Sri Girish Kumar Yadav, learned counsel for the respondent no.5 refers a judgment passed by 5 Judges Bench of this Court in **Committee of Management J. N. Smarak Post Graduate College Maharajganj Vs. Gorakhpur University, 1998 SCC Online All 457**, that impugned order ought to have been challenge at first instance by way of filing a Reference under Section 68 of Act of 1973, however petitioner has not disclosed in the Writ Petition that there is an alternative remedy available and has made an incorrect declaration in paragraph 47 of writ petition as well as there is no averment as to why at first instance this writ petition be heard on merit without availing the alternative remedy.

10. On merits, learned counsel for the respondent University submitted that Vice Chancellor is competent to refuse recognition of a election of Committee of Management, if there is a procedural defect and since admittedly election in question was conducted in absence of an Observer of the University, therefore, an irregularity was committed, accordingly recognition was rightly refused.

11. Learned counsel for the respondent University refers impugned order that request for an Observer was made by the petitioner was under consideration and certain documents were demanded from the College, however instead of providing the same, petitioners have rushed to conduct election and finally gave only one day's notice for sending an Observer for conducting election and therefore, such haste suffers from malafides.

12. Heard learned counsel for the parties and perused the records.

13. The referred provision of 'Act of 1973' provides that recognition of a Committee of Management is to be granted by University, therefore, Vice Chancellor of the University can prima facie verify whether elections were proper or not without entering into any dispute except only for purpose to make communication with duly elected Committee of Management (See **Committee of Management, S.D.P.G. Vs. V.B.S.Purvanchal University & Ors, (2003)1 UPLBEC 462**).

14. Learned counsel for the University has not shown any provision that it is mandatory that election for Committee of Management has to be conducted in presence of an Observer of the University, though, as a practice followed earlier also that an Observer is send by the University for a reason that elections be conducted in a fair manner.

15. In case no member of Committee of Management or General Body comes forward to dispute the election, there is no reason for Vice Chancellor not to grant recognition to elected Committee of Management only on a ground that no Observer of University was present, without expressing any other concern or dispute in election, therefore, impugned order is not legally sustainable.

16. Court also takes note of an argument of learned counsel for the University that once an Authorized Controller was appointed on 14.1.2026, any election is to be conducted by said Observer only, however, Court finds that in present case, election was conducted on 05.10.2025 i.e. prior to appointment of Authorized Controller and matter was only to recognize the elected Committee, therefore, such argument has no legal basis. Court

also finds that there was no just reason to delay in sending the Observer since first request was made on 29.09.2025 and election was conducted on 05.10.2025. No reason was pointed out by respondent whereby petitioner was asked to submit documents as it was necessary to take a decision to send an Observer.

17. Accordingly, impugned order dated 6.1.2026 is set-aside and Vice Chancellor of concern University is directed to accord recognition to petitioner's Committee of Management within a period of three weeks, if there is no other legal impediment.

18. Writ Petition is accordingly disposed of.

(Saurabh Shyam Shamshery,J.)

May 6, 2026
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