



2026:0001:102122

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 17384 of 2026

Committee Of Management Nehru Vidayapeeth
Inter College And Another

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashutosh Dwivedi, Suresh Chandra Dwivedi, Vinay Kumar
Counsel for Respondent(s)	:	C.S.C., Ramesh Chandra Dwivedi

Court No. - 38

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Shri Suresh Chandra Dwivedi, learned counsel for the petitioner and Shri Ramesh Chandra Dwivedi, learned counsel for the respondent no.6.
2. Learned Standing Counsel has accepted notice on behalf of respondent nos.1 to 5.
3. By the consent of parties, and in view of the order proposed to be passed, the present writ petition is being finally decided at the admission stage itself.
4. The present writ petition has been filed seeking quashing of the order dated 10.04.2026 and 09.12.2025 passed by Joint Director of Education, Varanasi Region, Varanasi. The perusal of the order dated 09.12.2025 indicates that order dated 01.11.2025, by way of which the Scheme of Administration was approved, was kept in abeyance pending the inquiry and the District Inspector of Schools (D.I.O.S.) was also required to participate in the inquiry. The order dated 09.12.2025 was assailed before this Court by way of filing Writ-C No. 312 of 2026, in which initially an interim order was granted. However, subsequently vide order dated 25.02.2026, the same was disposed off, reserving a liberty for the petitioners to participate in the inquiry. Subsequently, the order dated 10.04.2026 has been passed, which has now been assailed by the petitioner in the present writ petition.

5. Learned counsel for the respondents has submitted that after due opportunity, the impugned order dated 10.04.2026 has been passed, and now the elections have been notified. They have relied upon a judgment of the Hon'ble Apex Court in the case of **Shaji K. Joseph Vs. V. Viswanath And Others** decided on 22.02.2016, reported in **(2016) 4 Supreme Court Cases 429**, to contend that once the election process has started, normally the court should not interfere in the proceedings and adequate opportunity is available to the petitioner by raising dispute under Section 16 (a) (7) of the U.P. Intermediate Education Act, 1921.

6. In response, learned counsel for the petitioner has submitted that the private respondents are rank outsiders and they have been interfering in the running of the institution in question and now, by way of the impugned order dated 10.04.2026, in case they are allowed to participate in the election, then irreparable loss shall be caused to the institute in question.

7. As far as the conversion of the "society" into a "trust" is concerned, the Government Order dated 15.06.2016 provides for the same; but however inspite of the fact that the Scheme of Administration was duly approved on 01.11.2025, the Joint Director of Education has interfered in the same. While doing so, he has not only determined the *lis* with respect to the conversion of the "society" into a "trust", in pursuance of the Government Order dated 15.06.2025, but has also held that all the elections since 2009 up to 2022 are illegal; and consequentially, held the order dated 01.11.2025 as bad in law. After holding the aforesaid, the Joint Director of Education has proceeded to appoint the Principal of Rajkiya City Intermediate College, Ghazipur for holding fresh elections of Nehru Vidyapeeth Inter College, Reotipur, Ghazipur, within a period of three months.

8. Learned counsel for the petitioner has further raised an objection that in case there was a dispute with respect to the election, it was incumbent upon the Joint Director of Education, Varanasi Region, Varanasi to refer the matter to the Regional Level Committee, as per the Government Order dated 19.12.2000, and by himself determining the dispute of the elections, he has deprived the petitioner from an opportunity, in pursuance of the

order dated 19.12.2000. He ought to have confined himself to the extent of approval to the amended Scheme of Administration of the institution, as directed by this court vide order dated 09.12.2018 passed in Writ-C No. 31013 of 2018; and further as per the order dated 12.09.2018 passed in Special Appeal (Defective) No. 750 of 2018, wherein the Joint Director of Education was required to give opportunity of hearing to all the parties.

9. He has further argued that as far as the decision with respect to recognition to the Committee of Management of the institution namely Nehru Vidyapeeth Inter College, Reotipur, Ghazipur was concerned, it was in the domain of the D.I.O.S. This Court, vide its order dated 22.02.2023 passed in Writ-C No. 4036 of 2023, had disposed of the said writ petition with the consent of the parties, directing the D.I.O.S., Ghazipur to take a decision in the matter, strictly in accordance with law, expeditiously, preferably within a period of four weeks from the date of presentation of a certified copy of the order, in pursuance of which, vide order dated 06.06.2023, the representation of the petitioner was rejected; and against the same, the Writ Petition No. 37100 of 2023 (C/M Nehru Vidyapeeth Inter College, Reotipur, Ghazipur Vs. State of U.P. and Another) was filed; and as per the finding in the impugned order, the same has been dismissed for want of prosecution. It is also noteworthy that the Writ-C No. 19276 of 2016 has also been dismissed vide order dated 18.08.2023.

10. At this juncture, the learned counsel for the petitioner has submitted that he has no objection in case, elections are held by any District Inspector of Schools, who is not within the Varanasi Region, as they do not have any faith in the Joint Director of Education, Varanasi Region, Varanasi, to which learned counsel for the respondents and the learned Standing Counsel have no objection, since the distance between Ghazipur and Azamgarh is about 87 Kms, there will be no practical/administrative difficulty; and once and for all quietus, shall be given to the longstanding dispute.

11. In view of the aforesaid, the present writ petition is being disposed off with the following directions:

(i) The Respondent No.2- Director of Education, Madhyamik Shiksha Parishad, Allahabad/Prayagraj, is directed to ensure that the D.I.O.S. District- Azamgarh, proceeds to hold the elections of Nehru Vidyapeeth Intermediate College, Reotipur, Ghazipur, within a period of two months from the date of service of a certified copy of this order.

(ii) In case required, it shall be open for the D.I.O.S., Azamgarh to seek the help of Administration and on such a request, the State Administration shall be obliged to provide necessary police protection etc., for the purposes of holding the elections.

(iii) Since, both the parties have agreed to the electoral college, which was undisputed, at the time of the election, said to have been held in the year 2009; the D.I.O.S., Azamgarh, may take the said list into consideration, while determining the electoral list; and proceed to hold the elections, as per the Scheme of Administration, of the Institution in question.

(iv). The elections shall be held within the premises of "Rajkiya City Inter College, Ghazipur", as agreed between the parties, and to which the learned Standing Counsel has no objection.

(v) The order dated 10.04.2026, stands modified, to the extent of the directions, given herein above.

12. As no further relief has been pressed, accordingly, with the aforesaid observations and directions, the present writ petition is disposed off.

(Siddharth Nandan,J.)

May 5, 2026

Sumit K.