

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14779 of 2023

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Ratnesh Prasad Singh S/o Late Biresh Singh, Resident of Laxmipur, Anadar Dhala, P.S.- Siwan Town, District- Siwan at present working as Secretary, Indian Red Cross Society District Branch, Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Siwan.
2. The President, Indian Red Cross Society, Bihar State Branch, Patna, Bihar.
3. The Chairman, Indian Red Cross Society, Bihar State Branch, Red Cross Building, Patna, Bihar.
4. The Secretary, Indian Red Cross Society, Bihar State Branch, Red Cross Building, Patna, Bihar.
5. The District Magistrate Siwan cum President, The Indian Red Cross Society Siwan District Branch Siwan.
6. The Deputy Development Commissioner Siwan cum Vice- President, The Indian Red Cross Society Siwan District Branch Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Advocate Ms. Rano Neha Kumari, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA 8 Mr. Upendra Kumar Singh, AC to GA 8
For Resp. Nos. 7 to 14	:	Mr. Amit Srivastava, Sr. Advocate Mr. Sumit Shekhar Pandey, Advocate Mr. Prashant Kumar, Advocate Mr. Mayank Madan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAV JUDGMENT

Date : 23-08-2024

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondents.

2. The moot question in the present writ petition is
that as to whether Red Cross Society is State or its
instrumentally within the meaning of Article 12 of the
Constitution of India or not.



3. The present writ petition has been filed for setting aside the order dated 12.09.2023 passed by the respondent no. 6 in pursuance of the decision of the respondent no. 5 whereby the result/certificate issued on 20.08.2023 after complete process of election in the Annual General Meeting for appointment of Management Committee of the Indian Red Cross Society District Unit Siwan amongst total 43 candidates on the basis of voting made through ballot paper by the total number of members 1440 has been set aside and all 43 candidates have been declared as Management Committee members which is contrary to the provision made under Chapter VI of Indian Red Cross Society Rules, under Rule 4 (g), VI of the Indian Red Cross Society for which the Respondent no. 4 and 5 have no jurisdiction.

4. The Indian Red Cross Society has been constituted with the mission and objectives to prevent and alleviate suffering with complete impartiality, making no discrimination as to nationality, race, sex, religious beliefs, language, class or political opinions. For this purpose it's task is in particular :-

a. To act in case of armed conflict, and in peace to prepare to act in all the fields covered by the Geneva Conventions within the scope of International Humanitarian Law and on behalf of all



war victims, both civilian and military;

b. To contribute to the improvement of health, the prevention of disease and maternity and child care in the community;

c. To educate the population on how to prepare for and respond to disaster;

d. To organize emergency relief services for the victims of disasters and migration of their sufferings;

e. To promote the participation of children and youth in the work of Red cross;

f. To promote the Fundamental Principles of the Movement and the International Humanitarian Law in order to inculcate humanitarian ideals among the population, and in particular among children and youth;

g. To recruit, train and develop volunteers/personnel as necessary for undertaking humanitarian responsibilities;

h. To serve the community within its jurisdiction, the state branch may initiate activities to address local needs and priorities as approved by the Managing Body of the branch; and

i. To ensure correct use of the Red Cross emblem, to maintain its protective value.

5. Learned counsel for the petitioner submits that as per Indian Red Cross Society Rules under Chapter VI of the



Indian Red Cross Society Rules procedure for functions for the district branches has been provided under Rule 4 and under 4 (g) of the Rules, provisions has been given to hold Annual General Meeting (hereinafter referred as “AGM”) of all the members of the branch on a day and place fixed by the president of the branch. The AGM will elect a chairman of the branch and other members of the District Branch Committee which is mentioned at sub Clause VI. The minimum number of the Management Committee will be at least 10 members including Chairman, Vice Chairman, Secretary and Treasurer. He further submits that the respondent no. 5 issued a letter no. 1447 dated 29.07.2023 and communicated to the petitioner/secretary about Annual General Meeting for election of Management Committee Members which has to be held on 20.08.2023 at 11:00 am in the Town Hall, Siwan. 43 candidates had filed their nomination paper for participating in the election process for the post of Members of the Management Committee. In the District Branch Siwan number of total members/voters of Indian Red Cross Society Siwan Branch is 1440. In the said meeting the members of the society decided to select 15 members for management committee amongst the total 43 candidates. Accordingly, the voters were allowed to cast their vote through



the ballot paper and after completion of election as per total number of votes casted in favour of 43 candidates 15 candidates were declared as elected. After which the respondent no. 5 declared the name of 15 candidates who were elected and certificate were issued in favour of every 15 elected candidates.

6. Learned counsel for the petitioner submits that thereafter, the petitioner has wrote a letter to the respondent no. 5 on 12.09.2023 and made request to complete the election process for the post of the Chairman, Secretary, Vice-Chairman and Treasurer of the management committee till 25.09.2023 in view of the letter no. 172 dated 23.08.2023 issued by the respondent no . 1 (District Magistrate, Siwan).

7. Learned counsel for the petitioner submits that the respondent no. 5 had issued an order dated 12.09.2023 in pursuance of the complaint made by Shri Ashok Kumar Gupta and others. The respondent no. 4 had decided that the election process is not justified. In the last tenure total 27 members for management committee were elected in the directives only minimum number is mentioned and the maximum number is not mentioned. Therefore, the election process is not logical accordingly set aside the election conducted on 20.08.2023 for the Management Committee Members and has declared all the



43 candidates as member of Management Committee.

8. Learned counsel for the petitioner submits that thereafter, the petitioner has demanded all the documents including the election proceeding register from the respondent no. 5 and also sent a letter to the respondent no. 4 and copy to the respondent nos. 1 and 2 on 14.09.2023 and stated that the election for management committee members was conducted on 20.08.2023 in view of the letter issued by respondent no. 1 after which 15 candidates were elected through ballot paper and certificates were also issued and after more than 22 days on the basis of complaint on candidates who was defeated in the election the setting aside of the elected candidates is not justified and the declaration of all 43 candidates as member of Management Committee is against law and has made requested the respondent no. 4 to take afresh decision in accordance with rule.

9. Learned counsel for the petitioner submits that affairs of Indian Red Cross Society is being regulated by Indian Red Cross Society Act, 1920 (Act XV of 1920) as amended by Act no. 22 of 1956 and the Adaption of Laws (No. 4) Order 1957 and the Act 14 of 1992 and governing Rules made under Section 5 of the Indian Red Cross Society Act, 1920 for State



and UT branches which have been assented by His Excellency President of India. He further submits that the election of the respondents are contrary to the provisions of Indian Red Cross Society and the respondents have no power to cancel the election of members for Management Committee and as per the Section 3 of the Act, minimum 10 and maximum 30 members shall be elected for Management Committee. Therefore, between 10 and 30 any members can be decided by the general body meeting in their Annual General Meeting. And the Collector cannot cancel the election, it can only be approved or disapproved by the state branches and as per Section 3 of the Act, 43 candidates cannot be declared as members. He further submits that the Red Cross Society is a State within the meaning of Article 12 of the Constitution of India.

10. In support of his contention, he relied upon the paragraph nos. 10 and 11 of the judgment reported in **2002 SCC OnLine P & H 1265** in the case of **J.N. Gahlaut and others vs. Indian Red Cross Society, Haryana State Branch and others** which is quoted hereinbelow:-

10. The point survives for determination in this writ petition is as to whether this Court has to jurisdiction to entertain the writ petition against the Indian Red Cross Society. The learned counsel appearing on behalf of the respondents has taken a preliminary objection that the present writ petition is not legally maintainable against



the Indian Red Cross-Society as it is not a State or Instrumentality of the State as per the provisions of Article 12 of the Constitution. In support of his contention, the learned counsel for the respondents has relied upon a judgment of this Court in Pant Raj Sachdev v. The Indian Red Cross Society, 1986 (1) S.L.R. 675 wherein it was observed as follows:

*“It is quite evident that the funds of the Society are mainly constituted by gifts and donations. It does not have any share capital which might be said to be held by the Government, nor the financial assistance to it by the State is so much as to meet almost its entire expenditure. No doubt, the President of India, the Governors of the State, the Chief Ministers and the Deputy Commissioners at the district level head the hierarchy of the Society and its Branches but the State as such does not have deep and pervasive control over the Society. In fact, most of the Members of the Society are private individuals who volunteer their services to subserve the objects and purposes of the Society. Its functions are not closely related to governmental functions. Thus, the tests (1), (2) and (4) to (6) above are not at all satisfied in the case of the Society. For these reasons, the Society cannot * be termed to be an authority and, therefore, State within the meaning of the expression in Article 12 of the Constitution.”*

11. In our opinion, this judgment is not helpful to the learned counsel for the respondents. In this very judgment, his Lordship was pleased to say in para No. 8 of the judgment as follows:

“He also canvassed support for his contention from Mohan Singh Jaitla v. Commissioner, Union Territory, Chandigarh, 1984 Supp SCC 540 : AIR 1985 S.C. 364. I find that there is no escape from the conclusion that although violation of fundamental rights enshrined in the Constitution emanating from the impugned action of the Society cannot be made a ground of attack, the writ petition on the ground of infraction of the Service Rules and the rules of natural justice can be



maintained against the Society. In this view of the matter, I think it is imperative to examine the legality of the impugned order terminating his service.”

11. He further relied upon the paragraph no. 5 of the judgment reported in **I.L.R. [2018] M.P. 894** in the case of **New Balaji Chemist (M/s) vs. Indian Red Cross Society (M.P. State Branch) & Anr** which is quoted hereinbelow:-

“5. Learned counsel appearing for the petitioner in counter to the preliminary objection placed reliance on the judgment of Pradeep Kumar Biswas v. Indian Institute of Chemical Biology and others reported in (2002) 5 SCC 111. It is said that the said judgment was considered in the case of Virendra Kumar Srivastava v. U.P. Rajya Karmachari Kalyan Nigam and another reported in 2005 (1) SCC 149. The Apex Court in the case of Board Of Control For Cricket In India v. Cricket Association of Bihar and others reported in (2015) 3 SCC 251 has laid down that the Cricket Association of Bihar may not fall within the purview of the State or other authority but because they are discharging the functions to develop the sports activities in the State and dealing with the Public, therefore, they are amenable to writ jurisdiction of the Court. However, it is urged that even the Red Cross Society do not come within the purview of the definition of the State or other authority or the instrumentality or Agency to discharge the public functions offering the medical facilities to the needy persons and in the said context the shop is being floated by way of tender to be opened in the premises, therefore, it is amenable to writ jurisdiction. Further placing reliance on the judgments of Supreme Court in United India Insurance Company Limited v. Manubhai Dharmasinhbhai Gajera and others reported in (2008) 10 SCC 404 and Zonal Manager, Central Bank of India v. Devi Ispat Limited and others reported in (2010) 11 SCC 186, it is submitted that the writ is maintainable in the contractual



matter in exercise of power under Article 226 of the Constitution of India. It is further urged that respondent No. 1 has forfeited the amount of earnest money of Rs. 50,000/- of the petitioner, which is permissible only in the case of concluded contract in view of the decision of this Court in S.R.S. Infra Project Private Limited, Gwalior v. Gwalior Development Authority, Gwalior and another reported in (2010) 2 MP LJ 142. It is further said that the employees of Indian Red Cross Society are not amenable to writ jurisdiction of the High Court after establishment of the Central Administrative Tribunal for the central employees. In this regard, notification under Section 14(2) has been issued, however, it cannot be ignored that the Indian Red Cross Society is discharging public functions, therefore, the action taken by the authority, which is arbitrary and discriminatory, cannot be sustained in law that too causing loss to the society. At last it is urged that in the facts of the present case wherein as per the direction of the Court petitioner has deposited the entire amount of rent of six months in advance, however, in case respondent No. 2 is permitted to run the shop, it would a financial loss of more than Rs. 25 Lakhs to the Indian Red Cross Society. In such a situation when a public body is getting more amount, they cannot be permitted to oppose this petition particularly when they have acted in arbitrary and discriminatory manner with petitioner, therefore, allowing this petition agreement of respondent No. 2 be set aside and petitioner be permitted to execute the agreement and commission the shop in question.”

12. He further relied upon the order dated 11.12.2023 of this Hon’ble Court passed in **CWJC No. 9954 of 2022 (Deepak Kumar vs. State of Bihar and others)**.

13. Learned counsel appearing on behalf of the respondent nos. 7 to 14 submits that he has filed a detailed



counter affidavit and has taken a preliminary objection with regard to the maintainability of the present writ petition on the ground that the Red Cross Society is not a “State” or its instrumentality within the meaning of Article 12 of the Constitution of India and the present writ petition has wrongly been preferred by the petitioner by representing himself as Secretary of Siwan District Branch of Red Cross Society and this is a false statement on oath. The newly formed Management Committee has act to appoint Secretary for conducting the branch day-to-day business. Therefore, all the communications made by the petitioner as active Secretary of Red Cross Society is an apparent misrepresentation of fact.

14. Learned counsel for the respondents relied upon the judgment reported in **AIR 1987 SC 487** in the case of **Ajay Hasia vs. Khalid Mujib Sehravardi**.

15. He further relied upon the paragraph nos. 14 and 23 of the judgment reported in **(2015) 4 SCC 670** in the case of **K.K. Saksena vs. International Commission on Irrigation and Drainage** which are mentioned hereinbelow;

“14. We may also like to point out that the aforesaid examination of the issue undertaken by the High Court is keeping in view the principles laid down by this Court in a catena of judgments and the tests which are to be applied to arrive at the decision as to whether a particular authority can be termed as "State" or "other authority within



the meaning of Article 12. It took note of the Constitution Bench decision in Ajay Hasia v. Khalid Mujib Sehravardi wherein the following six tests were culled out from its earlier judgment in Ramana Dayaram Shetty v. International Airport Authority of India (Ajay Hasla case, SCC p. 737, para 9)

“(1) One thing is clear that if the entire share capital of the corporation is held by the

Government, it would go a long way towards indicating that the corporation is an instrumentality or agency of the Government. (SCC p. 507, para 14) (2) Where the financial assistance of the State is so much as to meet almost entire expenditure

of the corporation, It would afford some indication of the corporation being impregnated with governmental character. (CC p. 508, para 15)

(3) It may also be a relevant factor whether the corporation enjoys monopoly status which is

State conferred or State protected. (SCC p. 508, para 15) (4) Existence of deep and pervasive State control may afford an indication that the corporation Is a State agency or instrumentality, (SCC p. 508, para 15)

(5) If the functions of the corporation are of public importance and closely related to governmental functions, it would be a relevant factor in classifying the corporation as an Instrumentality or agency of the Government. (SCC p. 509, para 16)

(6) Specifically, if a department of the Government is transferred to a corporation, it would be strong factor supportive of this inference of the corporation being an instrumentality or agency of the Government. (SCC p. 510, para 18)."

23. From the aforesaid it transpires that ICID has been established as a scientific, technical, professional and voluntary non-



governmental international organisation dedicated to enhance the worldwide supply of food and fibre for all people by improving water and land management for the productivity of irrigated and drained lands so that there is appropriate management of water. environment and the application of irrigation, drainage and flood control techniques. In the opinion of the High Court, these functions are not similar to or closely related to those performed by the State in its sovereign capacity. The activities undertaken by ICID, a non-governmental organisation, do not actually partake the nature of public duty or State action and there was absence of public element. The High Court also held that duties discharged do not have a positive application of public nature as ICID carries on voluntary activities, which many a non-governmental organisations perform.”

16. He further relied upon the paragraph nos. 44, 45, 46 and 67 of the judgment reported in **2017 GLH (1) 156** in the case of **Manoj Abraham Kahar vs. Indian Red Cross Society & Ors** which are mentioned hereinbelow;

“44. The Red Cross Societies, all over the world, are acknowledged as impartial organisations. Their primary aim during wars and peace time, is according to the International conventions. It is for the amelioration and relief to the disabled, sick or wounded members of the armed forces during war time and also to provide relief of sickness, suffering or distress in India whether due to the operation of war or otherwise. These activities are carried by this Society all over India or through out the world on voluntary basis.

45. Prima facie, it appears that so far as the District Branch of Navsari is concerned, it mainly attends the blood donation camps, etc. The funds of the Society are provided out of the donation and gift of general public; there is no financial assistance received by the Society from the Government, and no documentary evidence



has been placed on record to show that any kind of financial assistance is derived by the Society from the State or the Central Government. The State has no control over the affairs of the Society. The Society has its own Constitution. Nothing has been shown to me so far as the terms and conditions of service of its Office Bearers are concerned. Nothing has been pointed out to me as regards the rules governing the person, like the petitioner who is appointed by the Society. Merely because the Governor of the State is the honorary President, Vice President of the State. It is purely an impartial voluntary Organization.

46. I am of the view that although the voluntary functions performed by the Organization are important and impartial, yet they are not “in the nature of public duty.

67. So far as the case in hand is concerned, as I have observed earlier, although a District Magistrate could be said to Head, the District Branch, yet I do not find anywhere his role of any nature so far as the respondent No. 1 is concerned. Neither the order of appointment was issued by the District Magistrate nor the order of termination was passed by the District Magistrate. Let me make it clear that all Office Bearers of the respondent No. 1 are private individuals. At the cost of repetition, they are all Doctors. In the year 2001, when the appointment order was issued in favour of the petitioner herein, one Dr. Paresh M. Desai was the President, Dr. Ashok P. Shroff was the Vice President, Professor Jayantibhai M. Naik was the Secretary, Keshavbhai R. Karve was the Joint Secretary, and Professor Jashubhai M. Naik was the Treasurer. The appointment order was signed by Dr. Paresh M. Desai, in his capacity as the President of the Branch and Professor Jayantibhai M. Naik, in his capacity as the Secretary of the Branch. In the same way, when the order of termination came to be passed dated 30th June 2008, one Dr. Atul V. Desai was the President of the Branch and Mr. Keshav R. Karve was the Vice President of the Branch, and Mr.



Kersi K. Daboo was the Secretary of the Branch. The order of termination has been signed by the President and the Secretary respectively of the Branch."

17. It is held that the functions of the society are not in the nature of public duty and thus, is being purely and impartial voluntary organization and the said writ is not maintainable.

18. He further relied upon paragraph nos. 8 to 12 of the judgment reported in **2010 (4) JKL 223** in the case of **Gh.**

Rasool Bhat vs. Indian Red Cross Society & Ors.

"8. In determining whether a corporation or a Government Company, or a private body is an instrumentality or agency of the State, the following tests have been laid down by the Supreme Court from time to time:

i) Whether the entire share capital is held by the Government?

ii) Whether the corporation enjoys monopoly status conferred by the State?

iii) Whether the functions of the corporation are governmental functions or functions closely related thereto?

iv) If a department of the Government has been transferred to the corporation?

v) The volume of financial assistance received from the State?

vi) Whether any statutory duties are imposed upon the corporation?

9. The tests for determining whether an organization is a "State" or "authority" within the meaning of Article 12 of the Constitution of India were also laid down by the Apex Court in Pradeep Kumar Biswas v.



Indian Institute of Chemical Biology & Ors. MANU/SC/0330/2002: JT 2002 (4) SC 146; (2002) 5 SCC 111. and it was held: The question in each case would be whether in the light of the cumulative facts as established, the body is financially, functionally and administratively dominated by or under the control of the government. Such control must be particular to the body in question and must be pervasive. If this is found then the body is a State within Article 12. On the other hand, when the control is merely regulatory whether under statute or otherwise, it would not serve to make the body a State.

Again in G. Basi Reddy etc. etc. v. International Crops Research Institute & a nor MANU/SC/0115/2003 JT 2003 (2) SC 180 the Apex Court, while dealing with an identical issue, observed as under:

A writ under Article 226 lies only when the petitioner established that his or her fundamental right or some other legal right has been infringed (Calcutta Gas Co. v. State of [W.B.J.](#) The claim as made by the appellant in his writ petition is founded on Articles 14 and 16. The claim would not be maintainable against ICRIS at unless ICRJSAT were a "State" or "authority" within the meaning of Article 12.

The Apex Court in G. Basi Reddy etc. etc. v. International Crops Research Institute & Anr. (supra) in para 26 of the judgment, accordingly, held as under:

The facts which have been narrated earlier clearly show that ICRISAT does not fulfill any of these tests. It was not set up by the government and it gives its services voluntarily to a large number of countries, besides India. It is not controlled by nor is it accountable to the government. The Indian government's financial contribution to ICRISAT is minimal. Its participation in ICRISAT's administration is limited to 3 out of 15 members. It cannot, therefore, be said that ICRISAT is a State or other authority as defined in Article 12 of the Constitution.

10. *It may be observed here that the object*



of International Crops Research Institute (ICRISAT) was to help developing countries, including India, in semi-arid tropics to alleviate rural poverty and hunger in ways that are environmentally sustainable. The object was sought to be achieved by research and development of scientific technologies. Similarly, the Red Cross Societies all over the world are acknowledged as impartial organizations. Their primary aim during wars and peace time is as per the international conventions. It is for the amelioration and relief to the disabled, sick or wounded members of the armed forces during the war time and also to provide relief of sickness, suffering or distress in India whether due to the operation of war or otherwise. These activities are carried by these societies all over India, rather throughout the world on voluntary basis.

11. Applying the tests as laid down by the Apex Court in its numerous judgments to the facts of the present case, it is seen that none of the above factors are available. The funds of the Society are managed out of the donations and gifts of general public; there is no financial assistance received by the Society from the Government, and no document of evidence has been placed on record to show that any kind of financial assistance is derived by the Society from the State or the Central Government; State has no control over the affairs of the Society, no statutory duty is cast on the Society; and it has its own constitution, terms and conditions of service of its office bearers. Merely because the Governor is the honorary President or the Chief Minister is the honorary Vice-President of the Society does not bring the Society within the control of the State. It is purely an impartial voluntary organization, depending upon the donations of general public. None of the objects of the Society can be said to be closely related to governmental functions. Therefore, the Red Cross Society cannot be said to be an instrumentality, authority or an agency of the State within the meaning of Article 12 of the Constitution. Consequently, it is not amenable to the writ jurisdiction of



this Court. In my view I am supported by a judgment of the Delhi High Court in Sarmukh Singh v. Indian Red Cross Society 1985 LAB I.C. 1072 The relevant observations made in the aforesaid judgment are reproduced below:

None of the objects of the Society can be said to be closely related to governmental functions. The impartiality and neutrality of the Red Cross Societies all over the world and the International Committee of the Red Cross in particular are recognized. I think, because there is no interference in their activities by the Government. The result is that the respondent society cannot be held to be an authority under Article 12 of the Constitution.

12. I have gone through the judgments referred to in the Division Bench order dated: 26th August, 1998. All those judgments are distinguishable on facts and law. They are of no help to the petitioner in the present case.”

19. He also relied upon paragraph nos. 15, 16 and 17 passed in **CWJC No. 19201 of 2021 (Bipin Kumar Singh vs. State Bank of India).**

“15. The allegation regarding there being any unfair means being used in the election process for subverting the democratic process, as per assertion made in the writ petition also, are raising disputed issues of fact.

16 In the opinion of this Court, therefore, the petitioner, if, aggrieved by any terms of the bye-laws would be required to resort to the mechanism inherent in its bye-laws for its amendment. Otherwise, sufficient remedy is available to the petitioner in view of the decision of this Court in case of Bokaro Steel Workers Union (supra).

17. In our view, in the wake of the facts of the case as noted above and the law laid down by a coordinate Bench of this Court in



case of Bokaro Steel Workers Union and anr, (supra), this application under Article 226 of the Constitution of India is misconceived and cannot be maintained.”

20. Apart from the aforesaid, learned counsel for the respondents further submits that the entire election was held for electing 15 members which is *de hors* to Chapter VI Rule 1 C 2 of the Indian Red Cross Society Rules, as the said rules provide for a minimum of 10 members within Management Committee. Therefore, the entire process of election to select 15 members without any prior resolution of the AGM was itself a shame exercise by the petitioner by influencing the authorities present on the date of AGM. The previous Management Committee for Siwan District, Red Cross Society had a membership of 27 members. The entire episode of voting was a situation of utter chaos and confusion as initially a total of 43 members of the Society were publicly announced to be nominated/elected by the Election Officers as members of the Managing Committee. The serious objection to the entire modalities of the AGM for election was raised before the Deputy Development Commissioner, Siwan and also before the District Magistrate, Siwan who collectively took cognizance of the situation and ultimately issued memo no. 548-II dated 12.09.2023 nominating all 43 candidates who were initially resolved to be the members



of the Managing Committee. The action of the respondent nos. 4 and 5 was arbitrarily an approve in view of the rule of the Red Cross Society. And apart from that, the petitioner has no locus to represent the society as a Secretary because pursuant to the aforesaid decisions of the respondents, the petitioner is no more the Secretary of the Siwan Chapter of the Red Cross Society.

21. In light of the aforesaid, the function of the society is not in the nature of public duty and thus, is being purely an impartial voluntary organization. Hence, the present writ petition is held to be not maintainable.

22. Since the writ petition is held to be not maintainable, it may not be proper to comment on the merits of the case, as that may prejudice the case of the petitioner and if petitioner chooses to go civil court or want to avail any appropriate remedy, then that may be available to him.

23. Accordingly, the writ petition stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	AFR
CAV DATE	25.06.2024
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