

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14697 of 2023

Bal Vikas Vidyalaya through the Managing Director, Gopal Narayan Singh, Male, aged about 82 years, Son of Late Deo Narayan Singh, resident of Village - Jamuhar, P.S. - Dehri-on-Sone, District - Sasaram (Rohtas).

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-I.G. Registration, Department of Registration, Government of Bihar, Patna.
2. The Inspector General of Registration (I.G.), Department of Registration, Bihar, Patna.
3. The Deputy Inspector General (D.I.G.) of Registration, (Society and Firm Registration), Department of Registration, Bihar, Patna.
4. The District Magistrate, Rohtas (Sasaram).
5. S.P. Verma, Son of Late Harihar Prasad Verma, Resident of Jainath Bhawan, Civil Line, P.O. and P.S. - Sasaram, District Sasaram.
6. Rohit Verma, Son of S.P. Verma, Resident of Jainath Bhawan, Civil Line, P.O. and P.S. - Sasaram, District Sasaram.

... .. Respondent/s

Appearance:

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Amish Kumar, Advocate Mr. Prabhakar Thakur, Advocate Mr. Aamin Hayat, Advocate
For the State	:	Mr. Vikash Kumar (SC- 11)
For the Pvt. Respondents No. 5 & 6 :		Mr. Mrigank Mauli, Sr. Advocate Mr. Venkatesh Kirti, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

CAV JUDGMENT

Date: 07-04-2025

The present writ petition has been filed for quashing the order dated 19.09.2023 passed by the Chairman-cum-Member, Board of Revenue, Bihar, Patna in Registration Case No. 30 of 2019, whereby and whereunder the appeal filed by the petitioner under Rule 22 (ii) of the Bihar Societies Registration Rules,



2018 (hereinafter referred to as the 'Rules, 2018'), challenging the order dated 26.11.2019 passed by the Deputy Inspector General (DIG) of Registration (Society and Firm Registration), Department of Registration, Bihar, Patna i.e. the respondent no. 3, has been held to be not maintainable and accordingly the appeal has been disposed off. The petitioner has further prayed for quashing the order dated 26.11.2019, which though has been communicated by the respondent no. 3, however, the same has been passed by the Inspector General of Registration (I.G), Department of Registration, Bihar, Patna i.e. the respondent no.2, whereby and whereunder the District Magistrate, Rohtas at Sasaram has been directed to conduct the election of Bal Vikas Samiti, Sasaram bearing Registration No. 58 of 1985-86 in terms of Rule 18 (iii) of the Rules, 2018.

2. The brief facts of the case, according to the petitioner, are that the petitioner i.e. Bal Vikas Vidyalaya is a progressive co-educational school duly affiliated to the Central Board of Secondary Education, New Delhi which was established on 14.01.1976 under the Societies Registration Act, 1860 having Registration No. 58 of 1985-86 dated 05.06.1984. The Managing Director of the petitioner is Gopal Narayan Singh. The respondent no. 5 i.e. Shri S.P. Verma, who was the earlier Chairman of the Managing Committee of Bal Vikas Vidyalaya,



Sasaram (hereinafter referred to as the 'School'), subsequently showed his reluctance to continue, as such in his place one Shri L.M. Poddar was made Chairman vide resolution dated 9.5.2018 of the Managing Committee of the said School, which was unanimously confirmed vide resolution dated 15.07.2018. Consequently, Shri L.M. Poddar became the Chairman of the School, Shri Gopal Narayan Singh continued to be the Managing Director while one Shri Upendra Verma became the Assistant Director of the Managing Committee of the aforesaid School. The respondents no. 5 and 6, being anguished by the aforesaid development, questioned the resolution of the newly constituted Managing Committee although respondent no. 5 was himself a signatory to the said resolution and got a complaint filed before the respondent no. 2 on 20.09.2018 as also before the Assistant Registrar of Registration, Registration Department, Bihar, Patna on 15.11.2018, relating to irregularities being committed by the Managing Committee of the said School including financial irregularity being done by the outsiders and it was prayed that the same be enquired into by a government officer/committee and thereafter, appropriate action be taken. The petitioner had then filed its detailed reply to the aforesaid complaint on 27.02.2019 denying all the allegations levelled in the complaint as also it was stated therein that the complainant had no locus



standi to file the said complaint, thus the complaint is fit to be dismissed. The petitioner had also raised the issue of maintainability of the complaint filed by the respondent no. 6 i.e. Rohit Verma on the following grounds:-

a) Clause-2 of the Bye-laws of Bal Vikas Vidyalaya, Sasaram deals with Membership which has five classes of Members namely-

- i. Patrons
- ii. Founder Members
- iii. Corporate Members
- iv. Donors
- v. Co-opted Guardian Representative

b) The Complainant Rohit Verma is not a Founder Member of the Bal Vikas Vidyalaya.

c) Bal Vikas Vidyalaya was founded on 05.06.1984 and was subsequently registered in the year 1985. It was founded by 11 founder members but the complainant's name is not there, rather his father namely S.P. Verma (Respondent No. 5) name is there.

d) The Complainant admits himself to be a Sponsor Corporate Member. Under the category of the Corporate Member in Clause-2 (iii), it has been clearly mentioned that the Corporate Member shall be such institution/ association who pay an annual subscription as shown



here.

**The Lions Club of Sasaram has been shown as
Principal promoter.**

e) That even as per Clause-9(b)(i) of the Bye-laws, it is clear that 11 persons will be nominated from the list of Founder Members and 7 persons will be nominated by the Founder Corporate Member which includes Lions Club of Sasaram. It further signifies that the Corporate Member shall be seven in number but the Lions Club of Sasaram shall have only one Corporate Member and that too when it fulfills the criteria as prescribed under Clause-2(5)(iii) of Corporate Members and not seven members as has been assumed by them arbitrarily.

f) The Respondent No. 6 also admits about there being 11 Founder Members in Bal Vikas Vidyalaya, Sasaram.

g) The Founder Corporate Member is only one member and not seven as claimed by the Respondent No. 6.

h) In Clause-3 of the Bye-laws, it has been specifically mentioned that Lions Club of Sasaram is only Founder Corporate Member and not Founder Member.

i) That the Respondent No. 6 has filed the present Complaint in his personal capacity with vengeance. He



has no locus standi to file the Complaint. There is no unanimous decision of the Lions Club of Sasaram to file and pursue the present Complaint. The Respondent No. 6 has also not filed any authority letter or document authorizing him to file the Complaint against the Managing Committee of Bal Vikas Vidyalaya, Sasaram, Rohtas.

j) The Respondent No. 6 has not produced the Bye-laws of the Lions Club of Sasaram and the same is not at all in existence. Moreover, Rohit Verma has acquired his status as a Corporate Member, thus he is only having the role of a Sponsor who has the duty to sponsor the functioning of the school. He has no role and powers which the Founder Members and the Managing Committee of the School possess.

3. The learned senior counsel for the petitioner Sri Y. V. Giri has stated that the petitioner had also raised the issue with regard to forged and fabricated bye-laws produced by the respondent no. 6 along with his complaint before the respondent Registration Department apart from raising the issue regarding the respondent no. 6 being a perpetual defaulter who has not paid the subscription money since several years. The Assistant Inspector General of Registration, Registration Department,



Bihar, Patna had thereafter, submitted an enquiry report dated 18.04.2019, to which the petitioner had submitted para-wise reply on 13.08.2019. The respondent no. 3 had then vide Memo No. 540 dated 06.09.2019 communicated to the petitioner as well as to the respondent no. 6 to submit their para-wise reply to the enclosed questionnaire, whereafter the petitioner had submitted his para-wise reply on 22.10.2019. The respondent no. 3 had then, without granting any opportunity of hearing to the petitioner, issued memo no. 737 dated 26.11.2019, addressed to the District Magistrate, Rohtas at Sasaram, stating therein that a decision has been taken to get the election of Bal Vikas Vidyalaya Samiti conducted in which only valid members will participate, hence the District Magistrate, Rohtas at Sasaram was requested to get the election of Bal Vikas Vidyalaya Samiti bearing Registration No. 58/1985-86 conducted with information to the Department. The petitioner had then challenged the said order dated 26.11.2019 passed by the respondent no. 3 by filing an appeal bearing Appeal No. 30 of 2019 before the Chairman-cum- Member Board of Revenue, Patna which was admitted vide order dated 10.02.2020 and the operative portion of the letter dated 26.11.2019 relating to conduct of election of Bal Vikas Vidyalaya Samiti was stayed. The matter was heard on several dates, however, in the meantime the respondent no. 6 had



filed a writ petition bearing CWJC No. 7799 of 2023, which was heard by the Hon'ble Patna High Court, Patna and disposed off vide order dated 05.07.2023, with a direction to the appellate authority to dispose off the pending appeal by passing a reasoned and speaking order/judgment after hearing the respective parties within a period of six months. The aforesaid appeal was again heard by the Chairman-cum-Member, Board of Revenue, Bihar, Patna and the parties were directed to file their respective written submissions. The Chairman-cum-Member, Board of Revenue, Bihar, Patna by the impugned order dt. 19.09.2023 has disposed off the said appeal with an observation that the letter dt. 26.11.2019 written by the D.I.G., Registration to District Magistrate, Rohtas is a direction to conduct election in terms of Rule 18(iii) of the Rules, 2018, which is an interim order and not a final order, hence not appealable under Rule 22 of the Rules, 2018.

4. The learned senior counsel for the petitioner Shri Y.V. Giri has submitted, by referring to the impugned order dated 26.11.2019, passed by the Deputy Inspector General (DIG), of Registration (Society & Firm Registration), Department of Registration, Patna i.e. the respondent no. 3, that the same is wholly without jurisdiction inasmuch as the said order has been passed by an officer who is not competent to pass the same as



per Rule 18 of the Rules, 2018, which authorizes the Inspector General of Registration, Department of Registration, Bihar, Patna i.e. the respondent no. 2 to pass suitable orders and in fact even Rule 19 mandates that suitable orders shall be passed by the Inspector General of Registration after giving due opportunity of hearing to all the parties. It is also submitted that the respondent no. 3, while passing the impugned order dated 26.11.2019 has also exceeded his jurisdiction inasmuch as the complaint dated 20.09.2018 filed by the private respondent no. 6 before the respondent no. 2 as also the one dated 15.11.2018 filed by the private respondent no. 6 before the Assistant Registrar, Registration Department, Bihar, Patna merely pertains to irregularities in conduct of the affairs of the aforesaid School by the Managing Committee as also financial irregularities being committed by outsiders, however, no complaint was made regarding holding of fresh elections of the Managing Committee. In any view of the matter, the impugned order dated 26.11.2019 is cryptic in nature and bereft of any reasoning inasmuch as the materials placed by the petitioner and contentions raised by it has not been taken note of much less considered while passing the said order dated 26.11.2019.

5. Now, coming to the appellate order dated 19.09.2023 passed by the Chairman-cum-Member, Board of Revenue, Bihar,



