CGHC010135812021 2026:CGHC:46361

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2663 of 2021

Order Reserved on 29.09.2026

Order Passed on 03.11.2026

RAVVA UTTEJ KUMAR RAJU Digitally signed by RAVVA UTTEJ KUMAR RAJU Date: 2026.11.03 18:05:59 +0530

1 - Dr. Smt. Sunita G Rao W/o Shri Rao Gururajan Shrinivasan Aged About 61 Years Occupation Assistant Professor (Home Science) Bhilai Mahila Mahavidyalay, Hospital Sector Bhilai Nagar District Durg Chhattisgarh., District : Durg, Chhattisgarh

... Petitioner

Versus

1 - State of Chhattisgarh Through Collector Durg District Durg Chhattisgarh., District : Durg, Chhattisgarh

2 - Registrar Public Trust And Sub Divisional Officer (R) Durg District Durg Chhattisgarh.

3 - Governing Body Bhilai Education Trust (For Short Bet) Through President , Office At Bhilai Mahila Mahavidyalay (For Short Bmm) Hospital Sector Bhilai District Durg Chhattisgarh.

4 - Commissioner Directorate Of Higher Education, Block C 30 Second / Third Floor, Indravati Bhavan Atal Nagar Naya Raipur Chhattisgarh.

5 - Mr Vijay Kumar Gupta Managing Director Beekay Engineering Corporation Bhilai (Managing Trustee Bet) R/o 55 , Neharu Nagar (Old) Bhilai 490020

6 - Mr. Manish Gupta Md Bsbk Bhilai (Trustee Bet) R/o 53, Neharu Nagar (Old) Bhilai 490020

7 - Mr Arvind Jain Md Bhilai Engineering Corporation Bhilai. (Trustee Bet) R/o 43, Nehru Nagar (Old) Bhilai 490020.

8 - Mr Veenu Jain Md Bhilai Engineering Corporation Bhilai , (Trustee Bhilai Education Trust) , Office At Bhilai Mahila Mahavidyalay (For Short Bmm) Hospital Sector Bhilai District Durg Chhattisgarh.

9 - Mr K Patel (Trustee Bet) Ex Gm Bhilai Steel Plant Bhilai, Chairman Bmm Bhilai, R/o Bk 20c P1.6 Neharu Nagar Bhilai District Durg 490020.

10 - Mr. Surendra Gupta Hony Secretary Bhilai Education Trust 21, Neharu Nagar Old Bhilai 490020

11 - Managing Director Bhilai Steel Plant (A Unit Of Steel Authority Of India Undertaking) Ispat Bhavan Bhilai District Durg Chhattisgarh.

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Mr. Sunil Pandey, Advocate.
For State	:	Mr. Anway Tiwari, P.L.
For Respondent No. 10	:	Mr. Anmol Sharma, Advocate.
For Respondent No. 11	:	Dr. Arham Siddiqui, Advocate on behalf of Dr. Saurabh Kumar Pande, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

1. The petitioner has filed the present petition challenging the amended trust deed dated 14.04.2017 in which the clause number 12 and 11 have been replaced by playing jugglery. The draft was submitted before the respondent No. 2 with a considerable delay of about 1 year and 8 months, very cleverly the intent of which would be narrated in the preceding paras. The respondent No. 2 issued certificate of registration on 05.12.2018 allotting it registration No. 110/2018-19 which is a direct onslaught on the

theme and spirit of the foundation of the Bhilai Education Trust. The present petitioner has filed this petition by seeking following reliefs:-

> "**10.1** That, the Hon'ble Court may kindly be pleased to summon the entire record pertaining to the case from the office of respondent No. 3 & 2 by issuing a writ of certiorari and after perusal of record, further be pleased to quash the amended trust deed dated 05.12.2018 (Annexure P-1) by issuing a writ of certiorari.
>
> **10.2** That, by way of command this Hon'ble Court be pleased to direct the respondent number 11 to take charge of the trust (Bhilai Education Trust) and to appoint trustees in terms of trust original trust deed (Annexure P-2) for running of the trust/BMM smoothly, transparently for the all round development of society, public in general, for betterment of the education, health etc by issuing a writ of mandamus in the ends of justice.
>
> **10.3** Any appropriate writ, direction or order may also kindly be passed which this Hon'ble Court deems fit and appropriate in the circumstances of the case, in the interest of justice."

2. Briefly stated, the facts of the case as adumbrated in the petition is that the petitioner has filed the present writ petition alleging mismanagement of Bhilai Education Trust (hereinafter referred to as “the Trust”), arbitrary alteration of its original trust deed, exclusion of representatives of Bhilai Steel Plant (BSP) from the management, and various irregularities committed by the private respondents. The Trust was established with the primary objective of promoting education through the establishment and management of educational institutions, colleges, libraries and other related facilities, apart from undertaking activities relating to healthcare, social welfare, cultural development and assistance to persons affected by natural calamities. The Trust deed was finalised on 3 June 1978, and the Trust came into existence upon its registration on 18 September 1978. BSP, along with other industrial establishments and eminent public figures, played a significant role in its formation and development. BSP allotted approximately 14 acres of prime land for the construction of Bhilai Mahila Mahavidyalaya, its hostel and other ancillary facilities. Under Clause 11 of the original trust deed, Shri Kamal Kishore, Personnel Manager, BSP, was appointed as the Managing Trustee for one year, while Clause 12 stipulated that the number of trustees from amongst the officers of BSP shall, at no time, be less than one-third of the total number of trustees. The petitioner contends that the management of the Trust functioned smoothly for several years, with BSP nominating its executives as trustees

from time to time. On 23 May 2017, BSP nominated five executives to the Trust. However, an amended trust deed, purportedly prepared on 14 April 2017, was registered on 5 December 2018, whereby the aforesaid stipulation under Clause 12, ensuring adequate representation of BSP officers in the Trust, was deleted. It is alleged that the amendment was deliberately introduced to enable the private respondents to assume control over the Trust and exclude BSP's representatives from its management. The petitioner further alleges that the amendment diluted the original arrangement concerning the appointment of the Managing Trustee, thereby enabling persons unconnected with the founding of the Trust to occupy key managerial positions. According to the petitioner, the Trust has consequently been converted into a family-controlled institution, contrary to its original objectives. The petitioner further alleges that, after the private respondents assumed control of the management, several financial irregularities and defaults occurred, including non-payment of lease rent amounting to approximately Rs. 7.13 crore to the concerned authority. The dispute regarding recovery of the outstanding rent culminated in proceedings before the Civil Court and an appeal before this Court. In the said proceedings, this Court, by order dated 12 January 2021, directed the applicant to deposit the entire arrears of rent, failing which the interim protection granted earlier would stand vacated and the decree could be executed. It is alleged that despite a subsequent demand

for payment, the outstanding amount remained unpaid. It is further stated that the alleged arbitrary and premature retirement of several Assistant Professors working at Bhilai Mahila Mahavidyalaya, particularly those receiving salary under the UGC pay scales. According to the petitioner, the age of superannuation applicable to the concerned Assistant Professors had been enhanced from 62 to 65 years pursuant to the State Government's instructions issued in 2012. Nevertheless, several women Assistant Professors were allegedly retired upon attaining the age of 60 years, and subsequent orders were issued reiterating their retirement. The petitioner contends that such action was contrary to the applicable government instructions and that the concerned authorities had also directed compliance with the enhanced age of superannuation. It is further alleged that the private respondents interfered with the functioning of the college administration by issuing directions regarding the appointment and removal of the In-charge Principal, withholding salary payments, and obstructing the disbursement of salaries to the eligible teaching staff. The petitioner refers to the designation of Dr. Smt. Sandhya Madan Mohan as In-charge Principal, her subsequent retirement orders, and her eventual reinstatement by order dated 18 March 2021. The petitioner alleges that the management adopted inconsistent standards in dealing with the retirement of different Assistant Professors and that the salaries of the concerned women Assistant Professors were withheld from October 2020. It is also

alleged that the management sought undertakings from the affected teachers requiring them to refund the amounts paid to them in the event of their failure in the pending litigation. The petitioner further stated that the affected women Assistant Professors had submitted complaints to the management regarding their alleged harassment, humiliation and improper treatment at the hands of respondent No. 10, and had sought his removal from the post of Secretary. The representations were also submitted to the State authorities and police authorities concerning their alleged forcible exclusion from the college premises and apprehended harassment. The petitioner additionally alleges interference with the administrative functioning of the college, including an incident dated 26 November 2020, when the office of the Principal was allegedly locked and converted into a record room, necessitating intervention by other trustees to restore its original status. It is also stated that although respondent No. 10 was subsequently removed from the post of Secretary, he continued to hold the position of Honorary Secretary, which, according to the petitioner, enabled him to continue exercising influence over the affairs of the Trust. The petitioner also refers to other proceedings instituted before this Court by the affected Assistant Professors challenging their premature retirement, in which notices were issued to the respondents. In the aforesaid circumstances, the petitioner alleges that the private respondents have acted contrary to the

original objects and governing principles of the Trust, undermined the role of BSP in its management despite its substantial contribution of land and other facilities, and subjected the teaching staff to arbitrary and oppressive treatment. Aggrieved thereby, the petitioner has approached this Court seeking appropriate relief against the alleged illegal amendment of the trust deed, mismanagement of the Trust and the consequential actions of the private respondents.

3. Learned counsel for the petitioner submits that the petitioner challenges the amended trust deed registered on 05.12.2018, whereby the original trust deed dated 03.06.1978 was modified. He submits that Bhilai Steel Plant (BSP) had allotted approximately 14 acres of prime land for the construction of Bhilai Mahila Mahavidyalaya, its hostel and other ancillary facilities, besides providing essential infrastructural facilities. In recognition of the substantial contribution made by BSP towards the establishment and development of the Trust, Clause 12 of the original trust deed stipulated that officers of BSP shall, at no time, constitute less than one-third of the total number of trustees. However, the amended trust deed deleted the aforesaid mandatory stipulation, resulting in the complete exclusion of BSP's officers from the management of the Trust since 2018. He further submits that respondents No. 5 to 10 are closely associated with one another through family relationships, professional connections and neighbourhood, and that the

amendments have facilitated the conversion of the public charitable trust into a privately controlled institution, contrary to its original objects. He next submits that the original trust deed did not authorise the private respondents to introduce such amendments and that respondent No. 2, the Registrar of Public Trusts, acted without jurisdiction in registering the amended trust deed without issuing notice to BSP or ensuring that the requisite resolution had been passed in accordance with the original trust deed. He next contends that the amendments were introduced to enable the private respondents to assume control over the Trust by excluding its founding institution and inducting their relatives and associates into its management. Learned counsel further submits that the objection regarding the availability of an alternative remedy before the Civil Court is misconceived, placing reliance upon ***Whirlpool Corporation v. Registrar of Trade Marks, Mumbai*** reported in **(1998) 8 SCC 1**, and ***M/s Godrej Sara Lee Ltd. v. Excise and Taxation Officer-cum-Assessing Authority and Others*** reported in **(2023) AIR SC 781**, to contend that the existence of an alternative remedy does not constitute an absolute bar to the exercise of writ jurisdiction under Article 226 of the Constitution of India, particularly where the impugned action is alleged to be without jurisdiction or in violation of the principles of natural justice. He also places reliance upon *Calcutta Discount Company Ltd. v. Income Tax Officer* to submit that the High Court may intervene to prevent an authority from acting beyond its

jurisdiction and subjecting an aggrieved party to unnecessary litigation. He further submits that the controversy in the present case primarily concerns the legality of the amendments made to the original trust deed, and both the original and amended trust deeds are available on record for consideration by this Court. He places reliance in the matter of ***C. Thyagarajan and Another v. Corporation of the City of Bangalore and Others***, reported in **AIR 2001 Karnataka 111**, he contends that a writ petition may be entertained where the material facts are substantially undisputed and the controversy can be adjudicated on the basis of the documents available on record. He next submits that the writ petition was instituted in 2021, whereas respondent No. 10 raised the objection regarding maintainability after a considerable lapse of time, despite the respondents having failed to file their returns for several years. According to learned counsel for the petitioner, such a belated objection ought not to prevent adjudication of the legality of the impugned amended trust deed on merits. He lastly submits that, in the absence of any return controverting the averments made in the writ petition, the petitioner's allegations remain undisputed. He, therefore, prays that the preliminary objection regarding maintainability be rejected and the writ petition be decided on its merits by granting appropriate relief against the impugned amended trust deed, in the interest of justice.

4. *Ex adverso*, learned counsel for the State opposes the petition and submits that the petitioner has failed to establish any illegality

or jurisdictional error warranting interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India. It is contended that the dispute essentially concerns the validity of the amended trust deed, the constitution and management of the Bhilai Education Trust, and the rights and representation of the Bhilai Steel Plant in the affairs of the Trust, which involve disputed questions of fact requiring examination of the relevant documents and proceedings. It is further submitted that the petitioner has an efficacious alternative remedy available in accordance with law and has not demonstrated any exceptional circumstance warranting bypassing such remedy. Accordingly, the present petition deserves to be dismissed.

5. Learned counsel appearing for respondent No. 10/Secretary of Bhilai Education Trust submits that the respondent No. 10 is raising a preliminary objection regarding the maintainability of the present writ petition and submits that the dispute essentially pertains to the management and administration of the Trust, the validity of the amended trust deed and the rights of the parties arising therefrom, which involve disputed questions of fact requiring adjudication by the competent Civil Court. It is contended that the petitioner has an efficacious alternative remedy available under the law and that the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India ought not to be invoked for adjudication of such disputes. Accordingly, he submits that the writ petition is not maintainable

and deserves to be dismissed on the ground of availability of an alternative remedy.

6. Learned counsel appearing for respondent No. 11/Managing Director, Bhilai Steel Plant (BSP), supports the submissions advanced by learned counsel for the State and submits that the present writ petition involves disputed questions of fact concerning the management and administration of Bhilai Education Trust, which cannot appropriately be adjudicated in proceedings under Article 226 of the Constitution of India. It is further submitted that the petitioner has an efficacious alternative remedy available under the law and has failed to establish any exceptional circumstance warranting interference by this Court in its writ jurisdiction. Accordingly, learned counsel submits that the writ petition deserves to be dismissed.

7. Having heard learned counsel for the parties and upon perusal of the pleadings and documents available on record, this Court finds that the principal grievance of the petitioner concerns the legality of the amended trust deed registered on 05.12.2018, whereby Clause 12 of the original trust deed dated 03.06.1978, ensuring representation of officers of Bhilai Steel Plant (BSP) to the extent of at least one-third of the total number of trustees, was deleted. The petitioner alleges that the amendment was made without the requisite authority and in violation of the prescribed procedure, resulting in the exclusion of BSP from the management of Bhilai Education Trust. Although the petitioner has relied upon the

substantial contribution made by BSP towards the establishment and development of the Trust and has questioned the jurisdiction of the Registrar of Public Trusts in registering the amended deed, the legality of the amendment would require examination of the relevant trust deeds, resolutions, the procedure followed for effecting the amendment and the applicable legal provisions.

8. It is also evident that the petitioner has alleged that the amendment facilitated the private respondents in assuming control over the Trust and has referred to various instances of alleged mismanagement, including non-payment of lease rent, interference with the administration of the college, premature retirement of Assistant Professors and withholding of their salaries. These allegations involve questions relating to the management and administration of the Trust, the respective rights of the parties and the factual circumstances surrounding the impugned amendment. The contention that the respondents have not filed their returns, despite the writ petition having been instituted in the year 2021, does not, by itself, entitle the petitioner to the relief claimed. Although the existence of an alternative remedy is not an absolute bar to the exercise of jurisdiction under Article 226 of the Constitution of India.

9. The Hon'ble Supreme Court in the matter of Whirlpool Corpn (supra) has held in para 15 which reads as under:-

> "**15**. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a

discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case-law on this point but to cut down this circle of forensic whirlpool, we would rely on some old decisions of the evolutionary era of the constitutional law as they still hold the field.

10. The Hon'ble Supreme Court in the matter of M/s Godrej Sara Lee Limited (supra) has held in paras 4 & 8 which are reproduced hereinunder for ready reference:-

> "**4**. Before answering the questions, we feel the urge to say a few words on the exercise of writ powers conferred by Article 226 of the Constitution having come across certain orders Before answering the questions, we feel the urge to say a few words on the exercise of passed by the high courts holding writ petitions as 'not maintainable' merely because the alternative remedy provided by the relevant statutes has not been pursued by the parties desirous of invocation of the writ jurisdiction. The power to issue prerogative writs under Article 226 is plenary in nature. Any limitation on the exercise of such power must be traceable in the Constitution itself. Profitable reference in this regard

may be made to Article 32 9 and ordainments of other similarly worded articles in the Constitution. Article 226 does not, in terms, impose any limitation or restraint on the exercise of power to issue writs. While it is true that exercise of writ powers despite availability of a remedy under the very statute which has been invoked and has given rise to the action impugned in the writ petition ought not to be made in a routine manner, yet, the mere fact that the petitioner before the high court, in a given case, has not pursued the alternative remedy available to him/it cannot mechanically be construed as a ground for its dismissal. It is axiomatic that the high courts (bearing in mind the facts of each particular case) have a discretion whether to entertain a writ petition or not. One of the self-imposed restrictions on the exercise of power under Article 226 that has evolved through judicial precedents is that the high courts should normally not entertain a writ petition, where an effective and efficacious alternative remedy is available. At the same time, it must be remembered that mere availability of an alternative remedy of appeal or revision, which the party invoking the jurisdiction of the high court under Article 226 has not pursued, would not oust the jurisdiction of the high court and render a writ petition 'not maintainable'. In a long line of decisions, this Court has made it clear that availability of an alternative remedy does not operate as an absolute bar to the 'maintainability' of a writ petition and that the rule, which requires a party to pursue the alternative remedy provided by a statute, is a rule of policy, convenience and discretion rather than a rule of law. Though elementary, it needs to be restated that 'entertainability' and 'maintainability' of a writ petition are distinct

concepts. The fine but real distinction between the two ought not to be lost sight of. The objection as to 'maintainability' goes to the root of the matter and if such objection were found to be of substance, the courts would be rendered incapable of even receiving the lis for adjudication. On the other hand, the question of 'entertainability' is entirely within the realm of discretion of the high courts, writ remedy being discretionary. A writ petition despite being maintainable may not be entertained by a high court for very many reasons or relief could even be refused to the petitioner, despite setting up a sound legal point, if grant of the claimed relief would not further public interest. Hence, dismissal of a writ petition by a high court on the ground that the petitioner has not availed the alternative remedy without, however, examining whether an exceptional case has been made out for such entertainment would not be proper.

8. That apart, we may also usefully refer to the decisions of this Court reported in (1977) 2 SCC 724 (State of Uttar Pradesh & ors. vs. Indian Hume Pipe Co. Ltd.) and (2000) 10 SCC 482 (Union of India vs. State of Haryana). What appears on a plain reading of the former decision is that whether a certain item falls within an entry in a sales tax statute, raises a pure question of law and if investigation into facts is unnecessary, the high court could entertain a writ petition in its discretion even though the alternative remedy was not availed of; and, unless exercise of discretion is shown to be unreasonable or perverse, this Court would not interfere. In the latter decision, this Court found the issue raised by the appellant to be pristinely legal requiring determination by the high court without putting

> the appellant through mill of statutory appeals in the hierarchy. What follows from the decisions is that where the controversy is a purely legal one and it does not involve disputed questions of fact but only questions of law, then it should be decided by the high court instead of dismissing the writ petition on the ground of an alternative remedy being available."

11. In view of the aforesaid judgments and in the present case also this Court is of the considered opinion that the controversy raised in the present writ petition can more appropriately be adjudicated by the competent Civil Court/competent Court having jurisdiction, which would be in a position to examine the validity of the amended trust deed, the authority under which it was executed and registered, and the consequential rights and obligations of the parties in accordance with law. Accordingly, this Court declines to entertain the writ petition in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India on the ground of availability of an appropriate alternative remedy.

12. *Ex consequenti*, the writ petition is **dismissed**, leaving it open to the petitioner to avail such remedy as may be available under the law. It is clarified that this Court has not expressed any opinion on the merits of the controversy, and the competent forum shall decide the matter independently in accordance with law.

Sd/-
(Amitendra Kishore Prasad)
Judge

U.K. Raju