



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

129

CWP-13018-2026**Date of Decision: 01.05.2026**

JAT EDUCATION SOCIETY

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aman Pal, Sr. Advocate with
Mr. Sankalp Gehlawat, Advocate and
Mr. Balraj, Advocate for the petitioner

Mr. Akshit Pathania, Assistant Advocate General, Haryana

Mr. A.S. Virk, Advocate for respondent-MDU

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 21.04.2026 whereby respondent No.4-Maharishi Dayanand University (hereinafter called as 'University') has stayed the election process without granting opportunity of being heard. It is also seeking direction to respondent No.4 to appoint and depute observer in terms of direction in *CWP-6447-2026*. It is also seeking direction to respondents to accept the election of the collegium No.30 dated 15.01.2026 in view of absence of challenge as well as report of respondent No.8-returning officer.

2. This is second round of litigation. The petitioner on the earlier occasion approached this Court by way of *CWP-6447-2026* which

was disposed of vide order dated 16.03.2026 with a direction to the University to appoint an observer for conducting the elections. The petitioner rescheduled the elections. The University raised objections which were addressed by returning officer. The petitioner approached this Court by way of *COCP-1816-2026* against the action of the University which was disposed of as withdrawn vide order dated 21.04.2026 with liberty to avail alternative remedies. Respondent No.4 by way of order dated 21.04.2026 without granting opportunity of being heard to the petitioner has kept the elections in abeyance on the ground of non-approval by District Registrar of the Bye Election held by the petitioner-Society for Collegium No.30.

3. Learned counsel for the petitioner submits that election of Collegium No.30 was conducted on 15.01.2026. The election of aforesaid Collegium was conducted on account of death of Member of the Collegium. The election process of Governing Body of the College has already commenced. The respondents on one or another pretext want to delay the election. They are raising silly, unwanted and unsustainable objections. The District Registrar has no authority to declare election of Collegium as '*invalid*'.

4. Learned State counsel vide order dated 29.04.2026 was asked to clarify provisions which empower District Registrar to raise objection with respect to election of a member of a Collegium.

5. Learned State counsel submits that vide letter dated 10.02.2026 District Registrar returned result of the election of Collegium

No.30 to the Society. It means result was not accepted by the District Registrar. The said authority vide memo dated 12.02.2026 has made a reference to State Registrar in terms of Section 40 of Haryana Registration and Regulation of Societies Act, 2012 (for short '2012 Act'). Section 40 empowers District Registrar to make reference to State Registrar if election of Collegium is doubtful. Matter as on day is pending before State Registrar. The District Registrar has not approved election of Collegium No.30, thus, as per Section 30(3), the election of Collegium is invalid and elected member cannot perform duties.

6. Learned counsel for the respondent-University submits that there are 105 collegiums and as per information received from Returning Officer, only 104 collegiums are approved by District Registrar. Collegium No.30 is not still approved, thus, election cannot be conducted.

7. Heard the arguments and perused the record.

8. The conceded position emerging from record is that petitioner is a registered society. It has more than 10,000 members. It has constituted 105 collegiums. As per applicable bye laws as well as 2012 Act, members of collegiums are elected by General Body who further elect governing body. The petitioner is having many schools/colleges which are imparting education to students. The colleges are managed by Governing Body elected as per Statute of the University. Elected member of Collegium No.30 passed away and society conducted election of said Collegium on 15.01.2026. The society submitted details

of elected member to the District Registrar who refused to accept the same. He made a reference to the State Registrar under Section 40 of 2012 Act. The reference is still pending before State Registrar. The University is not permitting election of governing body because District Registrar has not approved election of Collegium No.30.

9. Composition of Governing Body and its election is governed by Clause 25 of the University Statute 38. The petitioner with intent to comply with Clause 25 of the Statute 38 of the University initiated election process. The petitioner has already elected office bearers i.e. President, Vice President, Secretary and Treasurer. Principal is *ex officio* Member Secretary. The petitioner has to further elect 11 members to complete a Governing Body. It is apt to mention here that appointment of Governing Body of the Society is governed by Bye Laws of the Society read with provisions of 2012 Act whereas appointment of Governing Body of the college is governed by aforesaid clause of the Statute 38. Clause 25 of the Statute 38 reads as:

“Managing Committee known as Governing Body/Board of Governors, shall be elected by the General Body or the Collegium other than the members nominated by competent/ex-officio i.e. Principal, as the case may be, consisting of not less than three and not exceeding 21 members. The office bearers shall comprise of the President, Vice-President, Treasurer, General Secretary and Secretary. The first four shall be elected by the General Body or the Collegium of the Society/Trust running the college/Institute. The Principal shall be the ex-officio Member-Secretary of the Governing Body. Of the remaining sixteen members 11 shall be elected by the

General Body or the Collegium of the Society/Trust, one shall be nominated by the University. one by the State Govt., and three shall represent the staff by election. In cases where the Governing Body consists of less than 21 members, the number falling in each of the above categories will be determined on a proportionate basis, the representation of the University and the Govt. remaining invariable”

10. The petitioner in compliance of aforesaid clause of the University informed competent authority about elections. The University was supposed to appoint Observer. Accordingly, University appointed an Observer. The observer did not join meeting and in his absence symbols were distributed. The University raised objection. Cost of Rs.2,50,000/- was imposed upon the society for not constituting Governing Body. The petitioner approached this Court by way of *CWP-6447-2026* assailing action of the University. The petition was disposed of vide order dated 16.03.2026. The cost imposed by University was waived off and it was observed that Observer appointed by University would join proceedings on the date fixed and duly communicate in advance. The petitioner again requested University to appoint an Observer as per new schedule of elections. The respondent-University by impugned order has formed an opinion that as per letter received from District Registrar Firms and Society, Rohtak, bye election of Collegium No.30 has not been approved; there is violation of Clause 25(i) of University Act and as per legal advice sought by University, it is unable to proceed with the election process of constituting Governing Body of three Government-Aided Colleges.

11. The respondents i.e. University and District Registrar are supporting their action on the ground that election of Collegium No.30 has not been approved by District Registrar rather reference has been made to State Registrar. The reference has been forwarded under Section 40 and as per respondents election of the Collegium has not been approved in terms of Section 30(3) of 2012 Act. For the ready reference, Sections 30 and 40 are reproduced as below:-

***“30. Collegium.-** (1) A society consisting of more than one thousand members, unless it is divided into two or more Societies or opts to re-determine and revise its membership in accordance with clause (ii) of sub-section (1) of section 32 and sub-section (2) of section 51, shall constitute a Collegium consisting of not less than twenty-one and not more than three hundred members in accordance with its Bye-laws. The status of a Collegium in this case shall be the same in all respects as that of the General Body of a Society comprising of not more than one thousand members.*

(2) The tenure of the Collegium shall not exceed three years and the member elected to the Collegium shall, in turn, elect the Governing Body.

(3) The Society shall file the list of the elected members of the Collegium with the District Registrar within a period of fifteen days of holding the elections for the Collegium in the manner, as prescribed.

***40. Settlement of disputes arising from election of Collegium or Governing Body and its office-bearers.-** (1) Where a dispute or doubt arises with regard to election or continuance in office of any elected member in a collegium, the District Registrar or at least one fourth members of the General Body and where a dispute or doubt arises with regard to election or continuance of any*

members in the Governing Body, the District Registrar and if there is need to constitute the collegium, then the District Registrar or at least one fourth members of the collegium, may refer to the dispute or doubt by moving a reference or petition before the Registrar within thirty days from the date of declaration of result and the Registrar shall decide the same and pass such orders, as he may deem fit, preferably within a period of ninety days but not later than one hundred twenty days.

Provided that the election of any or all the members of the Collegium or the office-bearers of the Governing Body shall be set aside where the Registrar is satisfied,-

- (i) that any corrupt practice has been committed by such office-bearer(s); or*
- (ii) that the nomination of any candidate has been improperly rejected; or*
- (iii) that the result of the election, in so far as it concerns such office bearer, has been materially affected by the improper acceptance of any nomination or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or does not comply with the provisions of any Bye-law.”*

[Emphasis Supplied]

From the perusal of Section 30(3), it is evident that Society is supposed to file list of elected members of the collegium with the District Registrar within a period of 15 days of holding the elections. The respondent is claiming that under aforesaid Section, District Registrar has power to disapprove election of the Collegium. Stand of the District Registrar seems to be misconceived especially in view of Section 33(5) of 2012 Act. Section 33 (2) provides that Society shall file list of elected office bearers with the District Registrar within a period of 30 days of

holding of elections for the Governing Body in the manner as prescribed. Section 33(2) is *pari materia* with Section 30(3). As per Section 33(5), the tenure of Governing Body shall commence from the date of approval of elections by District Registrar. Said Sub-Section is missing in Section 30. For the ready reference, Section 33(2) and (5) are reproduced as below:-

33(2) The Society shall file the list of the elected office-bearers with the District Registrar within a period of thirty days of holding of the elections for the Governing Body in the manner, as prescribed.

33(5) The constitution of the Governing Body, appointed or elected for the first time or thereafter, shall be valid only upon approval thereof by the District Registrar and its tenure shall commence from the date of its approval

Provided that the District Registrar shall take a decision regarding the approval or rejection of the constitution of the Governing Body within a period of thirty days of filing the list of elected office bearers as specified under sub-section (2), failing which the constitution of the Governing Body of the Society shall be deemed to have been approved. In case of rejection, the District Registrar shall record the reasons for doing so and pass an order in this regard.

From the perusal of above quoted sub-sections, it is evident that tenure of the Governing Body of the Society commences from the date of approval of elections by District Registrar. If contention of the respondent is accepted that election of Collegium has to be approved by District Registrar and without approval of District Registrar, it is invalid, it would amount to addition of proviso or sub-section in Section 30. Nobody including Court has right to add or subtract any provision in any

legislation. Executive is supposed to implement the law and cannot tinker with it. There is fundamental difference between intimation and approval. These expressions carry different meaning and having different connotation. These expressions are not interchangeable. These are not synonyms of each other. Section 30(3) requires filing of list of elected members in the prescribed manner. It does not require that list should be approved by District Registrar. Filing of list of members of Collegium is an administrative and sort of informative work whereas approval of Governing Body is a substantive action on the part of authority. The Governing Body comes into play the moment it is approved by District Registrar whereas there is no such provision *qua* collegium.

12. In the present case, petitioner-Society elected member of Collegium No.30 and thereafter sent intimation to District Registrar. There are 105 Collegiums and members of all the Collegiums are available. The ground of the University not to hold election on the basis of letter of District Registrar cannot be countenanced.

13. Learned State counsel has further pointed out that District Registrar in terms of Section 40 of 2012 Act has made a reference to State Registrar. On one hand, District Registrar is claiming that election of Collegium has not been approved, thus, it is invalid and on the other hand is claiming that a reference under Section 40 has been made. Reference is made by District Registrar to Registrar where election is doubtful. The District Registrar has no right to declare valid or invalid election of Collegium and it has been empowered to refer the matter to State Registrar if it finds that election of Collegium is doubtful. By

making reference, the District Registrar has conceded that it has no power to declare result of any collegium invalid.

14. The respondent claims that reference was made on 12.02.2026. During the course of hearing, the petitioner as well as counsel for the University expressed his ignorance about aforesaid reference. It means State Registrar has not even sent intimation to Society regarding receipt of reference from District Registrar. A period of almost three months has passed away. The Society is unable to form Governing Body of the Colleges because of act and omissions of the University and District Registrar. It appears that they want to delay the matter on one or another pretext.

15. The reference under Section 40 was made on 12.02.2026 and member of Collegium No.30 was elected on 15.01.2026. List as required under Section 30 was filed within prescribed period. As held hereinabove, the District Registrar has no power to declare result of any collegium as invalid, thus, till the adjudication of reference by State Registrar, there is a duly elected member representing Collegium No.30. If contention of respondent is accepted that till the adjudication of reference, the elected collegium cannot act upon, there would be chaos because no institution can be left without Governing Body for indefinite period. The Society is making endeavour to appoint Governing Body and there is absence of Governing Body for last more than six months. In such a situation, the elected member cannot be denied to participate in the election process and it cannot be held that post of collegium No.30 is lying vacant.

16. The matter needs to be examined from another angle. The petitioner-society is having 105 Collegiums. There is no dispute with respect to availability of 104 Collegium members, meaning thereby, 99% collegium members are available. The respondent-university relying upon Clause 25 of its Statute and letter of District Registrar is pleading that in the absence of 100% Collegium, the elections of Governing Body cannot be conducted. The Rules are silent to deal with such a situation. A member out of group of members, who has to participate in the selection process and elect someone, may at any point of time pass away or become physically/mentally incapacitated to participate in the selection/election process. In such a situation, everything cannot be stopped. There is concept of quorum. Normally $2/3^{\text{rd}}$ and in exceptional circumstances $3/4^{\text{th}}$ members are considered as sufficient quorum. In the absence of particular Bye-law or statutory provision, the society cannot be left in lurch. The matter needs to be resolved in the obtained facts and circumstances. This Court in the present facts and circumstances finds that presence of 104 Collegium Members is sufficient for conducting election of Governing Body.

17. In the wake of above discussion and findings, the impugned communication is hereby set aside. This is second round of litigation and it appears that University or District Registrar wants to stall the elections. To avoid future litigation, it is hereby made clear that University will fully cooperate in the election process and would not attempt to derail the process on one or another ground. If it is found that University has created unwanted situation, a serious view would be taken against erring

officials of the University as well as District Registrar, Rohtak.

18. The Society has fixed 03.05.2026 as date of election. Learned counsel for the respondent-University, at this stage, prays that elections may be deferred for 10 days so that procedure may be duly complied with.

Learned counsel for the petitioner agrees to the aforesaid proposal. Accordingly, society is directed to hold election on 17.05.2026. The date of allotment of symbols would be 06.05.2026. The Observer of the University shall be present on the said date so that symbols may be allotted.

19. Allowed in above terms.

20. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

May 01, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No