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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2109/2022 & CM APPL. 6067/2022**
CITY CONVENT SCHOOL & ANR.

.....Petitioners

Through: Mr. Anukul Raj, Mrs. Nikita Raj,
Mr. Tushar Bhalla, Mr. Naveen, Mr. Vishal
Yadav, Mr. Manjeet Goswami, Advs.

versus

**COUNCIL FOR THE INDIAN SCHOOL CERTIFICATE
EXAMINATIONS**

.....Respondent

Through: Mr. Shoumendu Mukherji, Ms.
Megha Sharma, Mr. Aniruddha Ghosh, Ms.
Surabhi Tuli Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
02.02.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking setting aside of the order dated 15.12.2021 issued by the respondent.
2. The brief facts are that one Mr. Rajesh Kumar Upadhyay executed a Trust Deed dated 30.08.1999 in the name and style of National Education Foundation trust (“NEF”).
3. Mr. Rajesh Kumar Upadhyay incorporated another family private trust in the name of NIIT JEE, i.e. petitioner No. 2, vide Trust Deed dated 04.07.2008.
4. An amendment was carried out in the Trust Deed of NEF on



27.05.2017, wherein the Clause No. 14 was incorporated and visitors were given the right to transfer land in other branches/set up new trusts. The amended Clause No. 14 of the said Trust Deed reads as under:-

“14. ARRANGEMENT OF VISITORS

(i) Only those rights will be available to the Visitors in regard to their Branch or Work plan, which are available to the Chairman of the Trust in regard to the Trust. It is pertinent to mention that if Visitor takes any decision in regard to this Branch or Work Plan, then it will be final.

(ii) If Chairman makes any such proposal to carry out any amendment in this Trust Deed or its objective and regulation, because of which other Branches, Work Plan or rights of visitors could get affected, then first of all, it will be compulsory to have the consent of Visitors of that Branch.

(iii) Once a visitor is appointed, he cannot be removed by the Chairman without the consent of that Visitor.

(iv) If Visitor thinks it necessary, then separate Branch Secretary could be appointed for his Branch, who will acquire the right and responsibilities like the Secretary of the Trust in regard to his Trust.

(v) If Visitor thinks it necessary, then he can form a separate Trust for his Branch or can donate his Branch/ School with property and responsibilities to some other Trust or can incorporate.

(vi) At present, Visitors of the following Branches run by the



Trust are nominated as under:-

	Branch	Visitor
1	Rajajipuram upto class 8	Ms. Abha Upadhyaya
2	Rajajipuram from class 9 to 12	Smt. Anuradha Upadhyaya
3	Para (Shivpuram)	Shri Ankit Upadhyaya
4	Hanskheda, Lucknow	Shri Ankit Upadhyaya
5	Vrindavan Yojna, Lucknow	Ms. Astha Upadhyaya

(vii) If any Visitor will merge/ absorb the Work Plan/ Branch / Work of his working field with some other / new Trust/ Institution, then his work, right and post in the capacity of Visitor will expire in the Trust (National Education Foundation).

(viii) Visitor will not do any such act, which would tarnish the image of the Trust or is contrary to the objectives of the Trust. In such circumstances, Chairman could be able to direct the concerned Visitor to abstain from that particular task and Visitor will comply with that direction, though Appeal against the direction of that Chairman could be filed in the Board of Visitors and in such event, decision of the Board of Visitors will be effective.”

5. Pursuant to the said amendment, a Memorandum of Understanding (“**MOU**”) dated 30.01.2018 was executed and the petitioner No.1



through its president, Mr. Ankit Upadhyay, transferred land bearing Khasra No. 2105, 2107, 2234 at Kashiram Yojana, Hanskhera, Para, Luncknow to the petitioner No.2.

6. The respondent Council granted a Conditional Provisional Affiliation to the petitioner No.1 dated 09.10.2020 based the alleged transfer of the land to the petitioner No.2. The said Conditional Provisional Affiliation was then withdrawn by the impugned order dated 15.12.2021 which is under challenge.
7. Mr. Raj, learned counsel for the petitioner, states that the revocation of provisional affiliation dated 09.10.2020, made on 15.12.2021 is a result of non-application of mind. The said order did not consider the reply of the petitioners with respect to the properties owned by NIIT JEE. By virtue of amendment of Clause No. 14, the petitioner No.2, through its President, namely, Mr. Ankit Upadhyay, was entitled to transfer the land belonging to NEF trust to the petitioner No.2. Pursuant to the amendment in the said Clause and execution of the MOU, the land was transferred and hence, the petitioner No.1 had unfettered right to enjoy the land situated at Khasra No. 2105, 2107, 2234 at Kashiram Yojana, Hanskhera, Para, Luncknow. Thus, the impugned order is based on incorrect appreciation of facts and law.
8. Mr. Mukherji, learned counsel for the respondent, states that the respondent received 2 letters dated 23.11.2020 and 29.07.2021 from Ms. Anuradha Upadhyay, who is the President of NEF trust which says that land in question i.e. Khasra No. 2105, 2107, 2234 at Kashiram Yojana, Hanskhera, Para, Luncknow is still under NEF trust and has not been transferred to the petitioner No.2. He further states



that as per Rule 4(d) of Chapter 1 of Respondent's Rules for Affiliation, the land title documents should be in the name of the society trust company running the school and in the present case, the lease deed dated 06.12.2019 is not validly executed as Mr. Ankit Upadhyay could not have executed the lease deed.

9. I have heard learned counsels for the parties.
10. In the present case, the Rule 4(d) is not in dispute. It is provided by Rule 4(d) Chapter 1 of Respondent's Rules for Affiliation that in order to get affiliation, land title documents have to be in the name of society/ trust/ company running the school.
11. In the present case, in view of the dispute between NEF trust and the petitioner No.2 regarding the title of the property, no fault can be found with the decision of the respondent.
12. I am of the view that the issue in the writ petition raises disputed questions of fact for which detailed evidence is required in respect to the inheritance as well as the title of land is in dispute. Once the NEF trust has disputed the ownership of the petitioner No.2, the petitioner No.2 is required to get a declaratory degree in its favour declaring the ownership of the said land.
13. The same is not a relief available in the writ petition.
14. For the said reasons, the petition is dismissed grating liberty to the petitioners to avail their legal actions in accordance with law.
15. The present petition is disposed of with liberty as aforesaid.

JASMEET SINGH, J

FEBRUARY 2, 2026 / (MS)