



2026:DHC:132-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgement reserved on: 17.12.2025

Judgement delivered on: 09.01.2026

+ LPA 652/2019, CM APPL. 53990/2023 (Seeking to call for the record of W.P.(C) 9567/2023) & CM APPL. 54198/2023 (Direction)

MANAGING COMMITTEE OF VIDYA BHAWAN GIRLS SENIOR SECONDARY SCHOOL & ANR.Appellants

Through: Mr. Rakesh Tikku, Senior Advocate along with Mr. Ashish and Mr. Monu Kumar, Advocates with Appellants in persons.

versus

LIEUTENANT GOVERNOR OF NATIONAL CAPITAL TERRITORY OF DELHI AND ORS.Respondents

Through: Mr. Sameer Vashisht, Standing Counsel (Civil) GNCTD for R-1 and R-3 to R-5.
Ms. Deepti Verma, Ms. Hitanshi and Mr. Ravi, Advocates for R-6/Mr. Manish Gupta (in person).

**CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. By way of the present Appeal, filed under Clause 10 of the

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Letters Patent, the Appellants assail the **Judgment dated 11.09.2019**¹ rendered by the learned Single Judge of this Court in W.P.(C) No. 1239/2016, titled '*Managing Committee of Vidya Bhawan Girls Senior Secondary School through its Manager & Anr. v. Lt. Governor of the National Capital Territory of Delhi & Ors.*'.

2. The writ petition before the learned Single Judge arose out of a challenge to two administrative orders, *namely*, the Orders dated 16.02.2015 and 27.01.2016.

3. The Order dated 16.02.2015, passed by the learned Special Commissioner of Industries/ **Registrar of Societies**², was assailed to the extent that it recorded a finding that there had been no amalgamation between **Vidya Bhavan Girls School, Delhi Society**³ and **Vidya Bhavan Girls Education Society**⁴, and that the said societies were distinct and independent entities.

4. The other Order dated 27.01.2016, passed by the Hon'ble **Lieutenant Governor of Delhi**⁵, insofar as it handed over the management of **Vidya Bhavan Girls School**⁶ to the 1948-Society through its Secretary, Shri Manish Gupta, was also assailed.

BRIEF FACTS:

5. The School came to be established in the year 1942. Following the same, the 1948- Society came to be established and registered with the registrar of Joint Stock Companies, under the name of "Vidya Bhawan Girls School, Delhi".

¹ Impugned Judgement

² ROS

³ 1948-Society

⁴ VBGES

⁵ LG

⁶ School



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6. The Land and Development Office allotted land for the running of the School to the 1948-Society on 23.12.1960, 13.07.1971 and 09.03.1978.

7. In the *interregnum*, the Assistant Director of Education, Delhi, on 09.12.1950 granted the School recognition under the Scheme of management of the School, and on 09.05.1975, the School was duly approved by the **Directorate of Education**⁷ in accordance with the **Delhi School Education Act, 1973**⁸.

8. Thereafter, VBGES also came to be registered with the learned ROS on 31.08.1978.

9. Learned ROS, *vide* letter dated 13.11.1982 drawn by the Deputy Education Office, was apprised of the fact that VBGES was receiving 95% grant-in-aid from the DoE, and that there was a dispute as regards the membership of VBGES. In view of the same, the Deputy Education Officer called upon the learned ROS to supply certified copies of certain documents.

10. Thereafter, the DoE issued a Show Cause Notice dated 23.07.2010, calling upon the Management/Principal of the School in light of various complaints received against the management of the School alleging irregularities/malpractices and as to why an action should not be taken against the School in terms of the provisions of Section 24(4) read with Section 20 of the DSE Act. Pursuant to the aforementioned Show Cause Notice, the DoE also conducted an inspection of the School and the report of the same was communicated to the Manager of the School on 31.07.2010.

11. In the *interregnum*, it is stated that consequent to a proper

⁷ DoE

⁸ DSE Act



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election, a new governing body of the VBGES, and a new Managing Committee of the School took over and commenced functioning.

12. Due to the existence of the competing managements, the learned Single Judge of this Court, in a connected Writ Petition [W.P.(C) 4241/2012], directed consideration of the takeover of the School. The Hon'ble LG *vide* Order dated 26.06.2012 granted approval for taking over the School. Following thereafter, *vide* Order dated 20.07.2012 of the Special Director of Education, the DoE took over the management of the School in exercise of powers conferred under Section 20(1) of the DSE Act.

13. Shri P.S. Pabbi, thereafter, while purportedly representing the Managing Committee of the School, preferred an appeal before the Hon'ble LG, challenging the Order dated 20.07.2012.

14. The Hon'ble LG upheld the takeover and the Order dated 20.07.2012, holding that the DoE would continue to manage the School until the dispute regarding the rightful society/management was decided by a competent court.

15. Parallely, various correspondences were addressed to the learned ROS, wherein the 1948-Society alleged that VBGES was a fraudulent body, while VBGES claimed that the 1948-Society had been amalgamated into it.

16. By a detailed order dated 16.02.2015, learned ROS held that the 1948-Society and VBGES are separate and distinct entities, and that no amalgamation had taken place in accordance with Section 12 of the Societies Registration Act, 1860. The learned ROS expressly declined to decide the issue of restoration of management of the School.

17. Following the Order passed by the learned ROS, both the 1948-



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Society and VBGES made repeated representations to the DoE seeking restoration of the School's management. The DoE extended the period of takeover up to July 2016 and rejected the claim of VBGES for restoration.

18. Three separate appeals thereafter came to be filed before the Hon'ble LG challenging various orders relating to the takeover and its extension. By a common order dated 27.01.2016, the Hon'ble LG set aside the takeover and directed that the management of the School be restored to the 1948-Society through its Secretary, Shri Manish Gupta, relying primarily on the findings of the learned ROS.

19. Aggrieved by the Order dated 27.01.2016 passed by the Hon'ble LG, as also the Order of the learned ROS dated 16.02.2015, two Writ Petitions came to be preferred challenging the two Administrative Orders.

20. The Appellants preferred W.P.(C) 1239/2016 *inter alia* seeking quashing and setting aside of the Order dated 27.01.2016 passed by the Hon'ble LG, to the extent that it handed over the management of the School to the 1948 Society through Shri Manish Gupta and holding the 1948 Society as the rightful owner of the School and sought directions against the DoE to the extent that the management of the School be handed over to the Appellants herein. The Appellants further sought quashing of the Order dated 16.02.2015 passed by the learned ROS.

21. The learned Single Judge, by way of the Judgement impugned herein, upheld both the Orders and rejected the Petition preferred by the Appellants herein and put a caveat to the same stating that the decision of the learned Single Judge *vide* the Impugned Judgement



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would be subject to the outcome of adjudication, if any, by a competent civil court, on the competing claims, to management of the School, as ventilated by the 1948-Society and the VBGES.

22. Aggrieved by the Judgement impugned, passed by the learned Single Judge in W.P.(C) 1239/2016, the Appellants have preferred the present Appeal.

ANALYSIS:

23. We have heard the learned Senior Counsel for the Appellants as well as the learned Counsel for the Respondents, and with their able assistance, perused the Impugned Judgement as well as the Orders passed by the learned ROS and Hon'ble LG, along with all the relevant material on record.

24. With respect to the challenge raised to the Order of learned ROS dated 16.02.2015, which is now before us, the learned Single Judge upheld the said Order in its entirety. The relevant portions of the said Judgment *qua* this question read as follows:-

“55. The ROS has, in his Order dated 16th February, 2015 supra, proceeded on the premise that the requisites of Section 12 of the Societies Registration Act, which deals, inter alia, with amalgamation of societies, were not fulfilled, in the present case, so as to make out a case of amalgamation of the 1948-Society with the VBGES. Section 12 of the Societies Registration Act reads as under:

“12. Societies enabled to alter, extend or abridge their purposes. – Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special meeting for the consideration thereof according to the regulations of the society;



but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at the second special meeting convened by the governing body at an interval of one month after the formal meeting.”

56. Clearly, Section 12 of the Societies Registration Act contemplates the following steps, to be carried out and completed, before one society can amalgamate with another:

- (i) submission, by the governing body of the society, of the proposition to the members of the society in a written or printed report,
- (ii) convening of a special meeting for the consideration of the proposition, according to the regulations of the society,
- (iii) delivery, or dispatch, by post, of the report, to every member of the society, at least ten days prior to the aforesaid special meeting,
- (iv) agreement, to the proposition, by the votes of three-fifths of the members, delivered in person or by proxy, and
- (v) confirmation, thereof, by the votes of three-fifths of the members present at the second special meeting convened by the governing body, one month after the 1st special meeting.

57. Though Section 12 of the Societies Registration Act uses the word “may”, it has been held in, inter alia, *State of U.P. v. Joginder Singh*, AIR 1963 SC 1618 and *Textile Commission of Govt of India v. Shri Jagdish Process Pvt Ltd*, (1977) 2 SCC 579, that, where the discretion conferred by the use of the word “may”, on a public authority, is coupled with an obligation, the discretion should be construed to mean a command. Applying this principle, the process and procedure, stipulated by Section 12 of the Societies Registration Act, for amalgamation of societies, has strictly to be followed. It is also trite that, where the law prescribes a particular manner in which an act is to be done, that act has to be done in that manner, or not done at all. [Ref. *Taylor v. Taylor*, (1875) 1 Ch. D. 426 and *Nazir Ahmed v. King Emperor*, L.R. 63 I.A. 372] Sans implicit compliance, with the procedure stipulated in Section 12 of the Societies Registration Act, therefore, there can be no amalgamation of societies, as correctly held by the ROS in the Order, dated 16th February, 2015 supra.

58. It may be noted, here, that, in *Anil Nanda v. Escorts Ltd*, (2009) 156 DLT 697 (DB), a Division Bench of this Court held



that, as, against an order of amalgamation of societies, passed under Section 12 of the Societies Registration Act, no remedy was available, under the said Act, any party, aggrieved by such order, would have to file a civil suit. I see no reason why the same principle would not apply, where the decision of the competent authority – the ROS, in the present case – is that no amalgamation had taken place. It appears difficult, to me, for a writ court to examine whether amalgamation of two societies had, or had not, taken place, the exercise necessarily involving exhaustive and comprehensive analysis of evidence.

59. Insofar as the challenge, by the VBGES, to the Order, dated 16 th February, 2015 supra, of the ROS, is concerned, suffice it to state that there is no averment, either in the writ petition filed by the VBGES [W.P. (C)1239/2016], or in the written submissions filed consequent to the conclusion of hearing in court, to the effect that the procedure, contemplated by Section 12 of the Societies Registration Act, was followed, so as to result in amalgamation of the 1948-Society with the VBGES. Nor, it may be noted, is there any document, or other material, on record, evidencing any intention or animus, on the part of the 1948-Society, to amalgamate with the VBGES, so as to result in transfer of the entrustment of the management of the School, hithertofores being managed by the 1948-Society, to the VBGES.

60. I see no reason, therefore, to interfere with the Order, dated 16 th February, 2015 supra, passed by the ROS, which holds, correctly, that there is no evidence of amalgamation, at any point of time, of the 1948-Society with the VBGES. The said decision is, therefore, upheld in its entirety.”

25. The second challenge, which is now before us, that pertained to the Order dated 27.01.2016 passed by the Hon’ble LG, was also upheld by the learned Single Judge in its entirety in the following manner:-

“61. The only issue that survives for consideration is whether the Hon’ble LG was justified in handing over the management of the School to the 1948-Society through its Secretary Shri Manish Gupta, in the Order dated 27th January, 2016. As already noted hereinabove, the competing claims, of the 1948-Society, vis-à-vis the VBGES, would have to be thrashed out, in appropriate civil proceedings, which are necessary, if a definitive and final decision, regarding the Managing Committee, or society, which is duly competent and authorised to administer the affairs of the School, is to be arrived at. Having held that there was no necessity of continuing the decision to take over the management of the School, the Hon’ble LG decided to hand over the management of the



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School to the 1948-Society, through its Secretary Manish Gupta. It is important to note that the impugned Order, dated 27th January, 2016, does not hand over the management of the School to Manish Gupta in his personal capacity, but has directed handover of the School to the 1948-Society, acting through its Secretary Manish Gupta. This is a subjective decision, arrived at, by the Hon'ble LG, and cannot be said to suffer from arbitrariness or perversity, in any manner.

62. It cannot be said that there was no material, before the Hon'ble LG, on the basis whereof it was possible for him to arrive at a subjective decision that Manish Gupta was, in fact, the Secretary of the 1948-Society, or that the reins of the school could be handed over to the 1948-Society, acting through him as its secretary. A reading of the Order, dated 16th February, 2015, of the ROS, indicates that Manish Gupta was the authorised signatory, competent to act as Secretary, on behalf of the 1948-Society and operate its Bank account. Reference has also been made, in the said order, to the minutes of the meeting, dated 24th December, 2011, of the 1948-Society, authorising Manish Gupta to act as its Secretary. Additionally, the list of members of the Managing Committee of the School, dated 21st December, 2012 and countersigned by the Education Officer, Zone-28, also indicated Manish Gupta to be the Manager in the Managing Committee of the School. The complaint, dated 8th August, 2014, whereupon the ROS passed the Order dated 15th February, 2015 supra, was also addressed by Manish Gupta as Secretary of the 1948-Society. The invitation, dated 28th December, 2012, to the DoE, to visit the School, was also addressed by Manish Gupta, as authorised signatory of the School. The Inspection Report, dated 12th March, 2013, issued by the inspecting committee of the DoE, indicated that, on 24th January, 2013, when the school was inspected, Archana Tuli was present in the school as its HOS. This fact, viewed in conjunction with the letter dated 15th November, 2011, addressed by Archana Tuli, to the Education Officer, indicated Archana Tuli to be the head of the School, and Manish Gupta to be its Manager, also indicates that Manish Gupta was, at the time, the Manager of the School. Three specimen signatures, each, of Archana Tuli, as the HOS, and of Manish Gupta, as the Manager of the School, were also enclosed with the said letter. The letter, dated 25th May, 2015, addressed to the Secretary (Education), GNCTD, for restoration of the School to the 1948-Society was also addressed by Manish Gupta, as Secretary of the said Society, on the letterhead of the Society.

63. There was, therefore, ample material on record, on the basis whereof the decision, of the Hon'ble LG, to hand over the management of the School to the 1948-Society, through its Secretary Manish Gupta, could be justified. While this Court reiterates that, in entering these observations, it is not intending to



pronounce, definitively or finally, on the merits of the competing entitlements, of the 1948-Society, vis-à-vis the VBGES, to manage the School, it is clear that the decision, of the Hon'ble LG, to hand over the reins of the School to the 1948-Society, through Manish Gupta, as its Secretary, cannot be said to be suffering from any such manifest arbitrariness, irrationality, illegality or perversity, as would warrant interference by this Court, in exercise of the extraordinary and discretionary jurisdiction, vested in it by Article 226 of the Constitution of India.

64. Before parting with this judgement, I deem it appropriate to allude to the written submissions, filed by the DoE before the Hon'ble LG, on which the VBGES places great reliance. The following averments find place therein:

“Till 2010 Vidya Bhawan Girls Education Society was running the School smoothly. 2010 became the turning point in the history of the School and Vidya Bhawan was never the same again, all due to one and only one mastermind, courtesy Ms Archana Tuli (Suspended HOS), who manipulated people and situations only to fulfil her selfish motives.

It is also important to note that the internal conflict between the so-called authentic Society VBGS (S-341) is more than evident by the chairperson and the Secretary has filed separate Appeals each claiming the right for restoration or is this too is a result of connivance that the chances of winning had doublefaulted and the existence of VBGES (S-341) was more than evident? One is a complete loss of words to the extent of cunningness and shrewdness of all the people involved is concerned. But one thing is for sure that as per the information in the Directorate is concerned Amrit Mohini Suri or Manish Gupta or Amit Rana who have been the faces of VBGS (S341) during the last year are all outsiders and have been planted by Ms Archana Tuli who in her sheer desperation to ensure the return to the school, hatched a plot straight out of a potboiler thriller.”

(Emphasis supplied)

The italicized portion of the written submissions of the DoE, supra, denude the stand of the DoE, in these proceedings, of all credibility. I say no more.

65. The challenge, to the decision of the Hon'ble LG, in the impugned Order, dated 27th January, 2016, to hand over the management of the School to the 1948-Society, through its Secretary Manish Gupta, therefore, fails. Needless to say, however, this decision would remain subject to the outcome of adjudication, if any, by a competent civil court, on the competing claims, to



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management of the School, as ventilated by the 1948-Society and the VBGES.”

26. A reading of Para 65 of the Judgment impugned would herein reveal that the learned Single Judge has, while upholding the decision of the Hon’ble LG, made it subject to the outcome of any adjudication of the competing claims as to the management of the School as between the 1948-Society & VBGES by a competent Court of jurisdiction.

27. Upon a pointed query as to whether any such proceeding had been initiated for the purpose of determining the competing claims as between the 1948-Society & VBGES, the learned Senior Counsel for the Appellants would submit that no such proceedings have been preferred.

28. We deem it appropriate to extract the relevant portions of the Order dated 10.10.2019 passed by this Court in the present Appeal, which read as under: -

“C.M. No.44432/2019 (exemption)

Allowed, subject to all just exceptions.

LPA 652/2019 & C.M. No.44431/2019 (stay)

1. The appellant [petitioner in W.P. (C) No.1239/2016] is aggrieved by the common judgment dated 11.9.2019, passed by the learned Single Judge disposing of two writ petitions. The grievance of the appellant is qua the findings returned by the learned Single Judge in respect of an order dated 27.1.2016, passed by the Lieutenant Governor, GNCTD directing that the management of Vidya Bhavan Senior Secondary School be handed over to Vidya Bhawan Girls School, Delhi established in the year 1948 (in short ‘1948 Society’) and not to the appellant/Society, namely, Vidya Bhavan Girls Education Society established in the year 1978 (in short ‘1978 Society’), while making it clear that the inter se disputes between the two Societies can only be adjudicated by a competent civil court.

2. By the impugned judgment, amongst others, the learned Single Judge has upheld the aforesaid order and clarified that the directions issued vide order dated 27.1.2016, are only an interim arrangement till the rival claims of both the Societies are settled on



adjudication by a competent civil court.

3. Mr. Tiku, learned Senior Advocate appearing for the appellant submits that while there is no quarrel with the fact that convoluted disputed questions of facts cannot be decided in writ proceedings and both the Societies i.e., 1948 Society and 1978 Society ought to be relegated to civil remedies for proper adjudication of their inter se disputes after a full-fledged trial is conducted and evidence led, but the grievance of the appellant/Society is that by virtue of the impugned judgment, the management of the school has been handed over to the 1948 Society through its Secretary, Mr. Manish Gupta (respondent No.6). He submits that as an ad-interim arrangement, the Department of Education ought to continue managing the affairs of the school, as was being done during the pendency of the writ petition. He clarifies that the affairs of the school were being managed by the appellant/Society till it was taken over by the Department of Education in December, 2012.

4. We have enquired from Mr. Devesh Singh, learned ASC appearing for respondents No.1-5 as to whether the school is being managed by the Department of Education on the strength of any interim order passed in the writ proceedings or on the basis of an administrative order issued by the Department of Education. He states that he may be permitted to obtain instructions in this regard.

5. At the request of the counsel for the respondents No.1-5, list on 24.10.2019. In the meantime, learned counsel for the appellant shall give a written intimation of the next date of hearing alongwith a complete set of paper book to the respondents No. 6 and 7 directly also through the counsel appearing for them in writ proceedings.

Dasti to counsel for the respondents No.1 to 5.”

29. As is apparent from Para 3 of the aforementioned Order, the Appellants herein have, in fact, admitted that the internecine disputes between the parties could not form the subject matter of an adjudication under Article 226 of the Constitution of India and would have to necessarily be the subject matter of an appropriate civil proceeding.

30. In fact, at the very outset, the learned Senior Counsel for the Appellants had stated that the only issue that he sought to press in the present Appeal is with respect to the management of the School not being handed over to the said Shri Manish Gupta, and for the same to



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vest with the DoE.

31. We also take note of the subsequent proceedings in the present matter and, in particular, the Order dated 24.10.2019 wherein this Court records that the School was continuing to be run by the DoE on the strength of the administrative order issued by the Hon'ble LG in the year 2012, and the same has continued till date.

32. The Order dated 24.10.2019 also records the existence of an administrative Order dated 07.10.2017, which forms the basis of the management of the School being under the control of the DoE.

33. Subsequent thereto, the Order dated 06.09.2022 of this Court would make it apparent that the initial takeover of the School by the DoE in December, 2012, had been extended from time to time and also alludes to an Order dated 08.10.2021 passed by the Hon'ble LG, wherein the Hon'ble LG has directed that the said takeover shall continue till the dispute *inter se* the two societies are concluded.

34. The Order dated 17.10.2023 would further reveal that state of affairs as respects the management of the School underwent a change pursuant to an Order dated 21.06.2023 passed by the Hon'ble LG and by which Order, the management came to be restored to the Managing Committee of the Vidya Bhavan Girls School/1948-Society.

35. A perusal of the aforementioned record would make it apparent that, as things stand today, the original challenge to the Order of the Hon'ble LG, purportedly vesting the management of the School with Shri Manish Gupta, and which became the basis for the *lis* was never effectuated on the ground.

36. As a matter of fact, even the Judgment impugned herein, whereby the learned Single Judge clarified that the handover of the



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management to Mr. Manish Gupta was only an interim arrangement and would be subject to the outcome of any civil proceedings for resolution of the dispute regarding the society entitled to manage the affairs of the School, never came to be implemented, as the management of the School continued to vest with the DoE from 2012 up to 2023. Consequently, the entire premise of the challenge stood eroded.

DECISION:

37. Keeping in view the fact that, despite the direction passed by the learned Single Judge caveating the decision to hand over the management of the School to the 1948-Society through its Secretary, Shri Manish Gupta, to the outcome of adjudication by a competent civil court, no such proceedings have been initiated to date; that the foundational challenge to the order dated 27.01.2016 never really came into effect; and that a fresh order is presently in existence which, despite being within the knowledge of the Appellants at least since 17.10.2023, has not been challenged, we find no merit in the attempt of the Appellants to keep the pot boiling. The present Appeal is, therefore, dismissed.

38. Accordingly, the present Appeal, along with pending application(s), if any, is disposed of.

39. No Order as to costs.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
JANUARY 09, 2026/tk/va

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