



\$~23

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

+ **CONT.CAS(C) 281/2018**

B A TATA

.....Petitioner

Through: Mr. Sudhanshu Prakash, Adv. through
Vc.

versus

PUNYA SALILA SRIVASTAV & ORS

.....Respondents

Through: Mr. Anubhav Gupta, Panel counsel
for GNCTD with Mr. Kartik Sharma,
Adv. for R-1, 2 and 4.
Mr. Pranay, Adv. for Ms. Mrinalini
Sen, SC for DDA.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **30.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, 1950 seeks the following prayers: -

“a) Hold the Respondent Nos.2, 3 and 4 /Alleged Contemnors guilty of contempt under Section 2 (b) and 12 of the Contempt of Courts of Act, 1971 as well as under Article 215 of the Constitution of India and punish accordingly for willful disobedience and defiance of the orders of this Hon'ble Court dated 06.09.2017 rendered in Writ Petition (C) No. 7773/2017; and/or,

b) grant such other relief or reliefs as this Hon'ble Court deems fit to grant in the facts and in the circumstance of the case.”

3. *Vide* order dated 06.09.2017 in W.P.(C) 7773/2017, the following directions were passed: -



“5. This Court is not inclined to entertain the controversy regarding the allegations made by the petitioner. However, since the petitioner has already made representations before respondent nos. 2, 3 and 4, they (that is, respondent nos. 2, 3 and 4) are directed to consider the same and if warranted, take such action as required in accordance with law.

6. The said respondents shall also communicate their decision in that regard to the petitioner. No further orders are required to be passed in this petition.”

4. Affidavit of respondent nos. 1 and 2 has been placed on record, wherein it has been stated that the speaking order on the basis of the representation was passed on 12.06.2018. The said order has been reproduced herein for the sake of completeness: -



DIRECTORATE OF EDUCATION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
PRIVATE SCHOOL BRANCH
OLD SECTT. DELHI-54

4

No F. DOE/South/Zone 23/2018/645-650

Dated: 12.06.2018

ORDER

By way of this order, representation dated 20.04.2017 received from Mr. B.A. Tata S/o. B.C. Appachu through Speed Post on 21.04.2017 is being disposed of in pursuant to the direction of Hon'ble High Court vide order dated 06.09.2017.

The Hon'ble High Court of Delhi disposed of above said WPC No. 7773/2017; titled as B.A Tata Vs. GNCT of Delhi and Ors. vide order dated 06.09.2017. The operative part of the order is reproduced below:

"4. It is the petitioner's case that Shivananda Vidya Bhawan Society, respondent no.5 (hereafter 'the society'), has been illegally taken over by respondent nos 6 and 7. The petitioner has also alleged that all the founding members of the said society have been changed and the school is being run illegally on the land allotted by DDA. The petitioner alleges that takeover of the society is only for the purpose of misappropriating of the land allotted by DDA to the society. It is also claimed that the school is being run illegally and without complying with the rules and regulations. It is asserted that although complaints have been made to respondent nos.2 and 3, no action has been taken pursuant thereto.

5. This Court is not inclined to entertain the controversy regarding the allegations made by the petitioner. However, since the petitioner has already made representations before respondent nos. 2, 3 and 4, they (that is, respondent nos. 2, 3 and 4) are directed to consider the same and if warranted, take such action as required in accordance with law.

6. The said respondents shall also communicate their decision in that regard to the petitioner. No further orders are required to be passed in this petition.

7. The petition is, accordingly, disposed of."

Through the said representation dated 20.04.2017, it has been requested by the petitioner for taking appropriate action to safeguard to the properties and rights of Shiva Nanda Vidya Bhawan, Delhi run by Late Shri Swami Nityananda Saraswati allegedly to have been fraudulently taken over by Mr. Rishi Chaudhary and his family members in disguise.

On perusal of the Representation dated 20.04.2017 of Mr. B.A. Tata, the following submissions briefed as under:

- i. Shri Swami Nityananda Saraswathi alias B.C. Aiyanna formed a Society in the name of 'Shivananda Vidya Bhawan' in year 1975, in Dakshinapuri, New Delhi.
- ii. In the year 1995 Swami Nityananda Saraswathi inducted Mr. B.A. Tata, one of his nephews (during that time Mr. B.A. Tata was working as a Branch Manager, Connaught Circus, New Delhi) as a governing / life member of the 'Shri Shivananda Vidya Bhawan'. In support of



- his contention, the claimant has annexed the annual list of members of the society for year 1996 to 2001 in WPC 7773/2017 as Annexure P-3(Colly.)
- iii. Mr. B.A. Tata claimed to have actively participated in the day to day activities and management during his stay at Delhi i.e. from 1995 to 1998.
 - iv. In year 2011, the newly elected members Shri Rishi Chaudhary and his family members got elected (mostly consisting of one family) which is against the law and spirit of society's Act, 1860, have been manipulating the activities of Ashram to suit their whims and fancies with a view to make unlawful and fraudulent gains to themselves and thereafter, fraudulently changed the name of the school 'Shivananda Vidya Bhawan Secondary School' to St. Columbus School.
 - v. There is grave mismanagement and gross abuse of power invested to the managers of the Ashram, under the Society Act, 1860. They are using the benefits and profits to themselves without giving fair account as the ought to have done it.
 - vi. It has been claimed by Mr. B.A. Tata that he and his four brothers are the lawful legal heirs under law to succeed to all the state of his uncle Late Shri Nityananda Swamiji.
 - vii. It has been alleged that Mrs. Rajya Lakshmi along with her daughter Ms. Minal Puri alias Lucky who were staying with the Swamiji for number of years are the brain behind manipulating in dubious way by planting members suiting their purpose with a sole intention to appropriate the benefits and profits themselves by deceit.
 - viii. It has been alleged that the newly elected members have not informed him (Mr. B.A. Tata) nor communicated so far of the function and activities of the society even though he is the lawfully nominating governing council members from the year 1995 onwards.
 - ix. Mr. B.A. Tata has requested to investigate in the matter and to initiate appropriate action for oblique steps in the affairs and function of the society, in view of the fraudulent and unlawful takeover of the members since year 2011.

On perusal of the above said representation of Mr. B.A. Tata, the issues flagged for consideration and decision are as under:

- i. Whether the members i.e. Mr. Rishi Chaudhary and his family members have been elected in year 2011 in the governing body of the Shivananda Vidya Bhawan society as per norms of the registration Society Act, 1860?
- ii. Has the 'Shivananda Vidya Bhawan Society' been fraudulently taken-over by the newly elected members of the society in 2011?
- iii. Whether the name of 'Shivananda Vidya Bhawan Secondary School'(a private unaided recognised school established by Shivananda Vidya Bhawan Society) fraudulently changed its name to St. Columbus School?

In this connection, it is relevant to mention as under:-

- A. The member of the governing body of the society either elected or nominated is governed by Society Registration Act, 1860 and the Directorate of Education has no role to play in the dispute for membership of the society. Infact, for any kind of dispute between the members of the society, the office of Registrar of Societies is the authority to deal with such matters. Hence, as regard to the issues mentioned above at No's (i) & (ii) flagged above do not pertain to this Directorate.



role of the Directorate of Education, GNCT of Delhi is confined to the regulation of education in Delhi and being the regulatory body, it grants the recognition to the school imparting formal education to the children under Section 4 read with rule 50 and 51 of DSAR, 1973. For establishment of a school by a society, it (Society) must be registered under Society's Registration Act, 1860. The managing committee of the school is granted the recognition of its school as per the procedure laid down in DSAR, 1973 on fulfilment of conditions of recognition as envisaged in rule 50 and 51 of DSAR, 1973.

C. As regards the allegation regarding change of name of the school from Shivananda Vidya Bhawan Secondary School to St. Columbus School fraudulently, it is pointed out that on the representation received from the school authority, running and managing the affairs of the school, the Directorate of Education, GNCT of Delhi vide its letter dated 19.10.2015 allowed the change of name of the school from Shivananda Vidya Bhawan Secondary School to Mount Columbus school and not to "St. Columbus School" as alleged by Mr. B.A. Tata with the following conditions:

1. The society will get publish notification of change of the name of school in at least two leading newspapers of the Delhi within a week of date of receipt of this letter.
2. Change of name shall also be intimated to the office of Registrar of the societies, govt. of NCT of Delhi.
3. There will be no change in the Managing Committee of the school after the change of name.
4. It is only the change of name from "Shivananda Vidya Bhawan to Mount Columbus School" C-Block, Dekshinpuri, Delhi and the character of the school remain un-changed.
5. Director of Education shall not be responsible for any dispute out of change of name of the school.
6. The change of name from "Shivananda Vidya Bhawan to Mount Columbus School" is under the same society i.e. Shivananda Vidya Bhawan, C-Block, Dekshinpuri, New Delhi. There is no transfer from the society to another society.
7. After change of the school, there will be no change in the liability of the society or management.
8. Subsequent to change of the name of the school, the society shall get the Scheme of Management changed in favour of new name.
9. A report of the fulfilment of the conditions giving the extent of which each condition has been fulfilled shall be sent to the Deputy Director of Education, Zone-23.

Now therefore, considering the representation dated 20.04.2018 filed by Mr. B.A. Tata, the Petitioner and after carefully going through the facts and available records, it is further reiterated that some of the allegations raised in the representation dated 20.04.2017 are not within the domain of this Directorate, thus are supposed to be examined by the concerned appropriate authorities, hence, following directions are also passed hereunder:

- (i) To request the Registrar of Societies, SDM (South), M.B. Road, Saket, New Delhi-110068 to look into the matter and take appropriate action. It is pertinent to mention that Registrar of

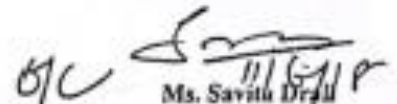


Societies SDM (South), M.B. Road, Saket, New Delhi-110068 is Respondent No.4 in WPC 7773/2017.

- (i) A copy of the representation dated 20.04.2017 of Mr. B.A. Tata, Petitioner is to be forwarded to SHO, Dakshinpur, New Delhi-110062 for further appropriate action in the matter.
- (ii) The permission for the change of name of 'Shivananda Vidya Bhawan Secondary School' to 'Mount Columbus School' was granted by the Directorate of Education, GNCT of Delhi in accordance to the relevant provisions of DSEAR, 1973. However, the issue for the change of name 'Shivananda Vidya Bhawan Secondary School' to 'Mount Columbus School' can be further reviewed by the Directorate of Education, GNCT of Delhi after the outcome of the reports from the o/o Registrar of Societies.

Now therefore, I, Savita Drall, Deputy Director of Education, District (South) in view of above, this order disposes off the representation dated 20/04/2017 of Mr. B.A. Tata in terms of the directions of the Hon'ble High Court's order dated 06.09.2017 in WP(C) No.7773/2017; titled as B.A Tata Vs. GNCT of Delhi and Ors.

This issues with the approval of competent authority.


Ms. Savita Drall
Deputy Director of Education
(Distt. South)

1. Mr. B.A. Tata
S/o. B.C. Appachu
R/o. House No. 82,
"SANMARG", Siddhartha Layout,
MYSURU-570011

2. Registrar of Society,
SDM (South), M.B. Road,
Saket, New Delhi-110068

Office of the S.D.O. (Hauz Khas)
Oy No. 1939
Date: 12/06/18
Distt. South New Delhi

3. SHO,
Dakshinpur
New Delhi-110062



No F. DDE (South) 2

Dated: 12.06.2018

Copy for information to:-

1. PS to Director (Education), Directorate of Education, Govt. of NCT of Delhi, Delhi.
2. PS to Addl. DE (PSB), Directorate of Education, Govt. of NCT of Delhi, Delhi.
3. DDE (PSB), Directorate of Education, Govt. of NCT of Delhi, Delhi.
4. Guard file.


Mr. Prem Kumar Tyagi
Deputy Director of Education
(Zone 23, Distt. South)



5. Similarly, respondent nos. 3 and 4 have placed on record their affidavits, whereby petitioner's representation was disposed of by way of the communications dated 04.09.2018 and 10.08.2018, respectively.
6. Learned counsel appearing on behalf of the petitioner submits that the decision taken is not in accordance with law.
7. The present contempt proceedings have been initiated for non-compliance of the aforesaid directions with respect to decision on petitioner's representation.
8. In the considered opinion of this Court, the directions have been complied with and if the petitioner has any grievance with regard to the speaking order passed, he will be at liberty to initiate appropriate proceedings in accordance with law, before appropriate forum/Court.
9. The present petition is disposed of with the aforesaid directions.
10. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 30, 2026/kr/ah