2026:AHC:208078-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 1131 of 2026

Ravi Kant Goyal

…..Appellant(s)

Versus

State of U.P. and 5 others

…..Respondent(s)

Counsel for Appellant(s)	:	Ashok Khare (Sr. Advocate), Sandeep Kumar
Counsel for Respondent(s)	:	C.S.C., Sankalp Narain

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard Shri Ashok Khare, learned Senior Advocate assisted by Shri Sandeep Kumar, Advocate for the appellant, learned Standing Counsel for respondents No.1 to 4 and Shri Sankalp Narain, learned counsel for respondents No.5 and 6.

2. The present special appeal is directed against the order dated 10.09.2026 whereby the learned Single Judge has disposed of Writ-C No.31431 of 2026 filed by the Committee of Management of O.P.M., Inter College, Khair, Aligarh, through its Manager Ravi Kant Goyal as petitioner No.1 and Ravi Kant Goyal in the capacity of Manager as petitioner No.2 therein; however, the present appeal has been filed only by Ravi Kant Goyal indicating his status as Ex-Manager of the Committee of Management. Further, the Committee of Management of the Institution has been arrayed as respondents No.5 and 6, respectively represented through its Manager Anoop Kumar Mittal and President Vinod Kumar Singh.

3. The writ petition was filed challenging the order dated 24.07.2026 passed by the District Inspector of Schools (‘the D.I.O.S.’) and other consequential action taken in pursuance thereof. Further relief was claimed to issue a direction to the respondents in the writ petition not to interfere in the functioning of the writ petitioners *qua* the Committee of Management.

4. The case of the appellant is that he was elected as Manager on 21.03.2025 and a meeting of certain members was held on 02.07.2026 contrary to the provisions contained in Scheme of Administration of the Institution and, in the said meeting, unlawful decision was taken to remove the appellant from the post of Manager and appoint respondent-Anoop Kumar Mittal (Deputy Manager) as Manager for the remaining term.

5. Further case of the appellant is that, based upon the unlawful meeting dated 02.07.2026, papers were submitted by the respondents before the D.I.O.S. who, on 20.07.2026 attested signatures of Anoop Kumar Mittal as Manager and, thereafter, by order dated 24.07.2026, he recognized him as Manager for remaining term of the Committee based upon some alleged meeting dated 19.07.2026 giving approval to the earlier meeting dated 02.07.2026.

6. The learned Single Judge, after noticing the submissions made on behalf of the writ petitioners as well as the contesting respondents, opined that in writ jurisdiction, the Court cannot consider, at first instance, whether or not proposal adopted against the petitioner was contrary to provisions of Scheme of Administration and that it would be within the realm of disputed facts. Learned Single Judge further observed that the writ petitioner has liberty to approach the Regional Level Committee wherein all contentions of facts and law can be considered with a further observation that the impugned order dated 24.07.2026 also gives scope to the petitioner to approach D.I.O.S. in order to show that the respondent-Committee of Management has

committed any fraud or misrepresentation. With these observations, the writ petition was disposed of.

7. Learned Senior Counsel appearing for the appellant submits that once the very holding of meeting dated 02.07.2026 is contrary to the stipulations contained in the Scheme of Administration wherein at least 7 days' notice is required for holding meeting of general body and, in case of urgent meeting, at least 5 days' notice is mandatory, the meeting dated 02.07.2026 was apparently held without satisfying the said requirements of the Scheme.

8. Further submission has been made that the minutes of meeting dated 02.07.2026 itself indicate that its agenda was allegedly sent to the appellant through WhatsApp message on 02.07.2026 and he was also informed telephonically; despite the same, appellant deliberately did not appear in the meeting. Further submission is that the number of members of general body, being 15, any decision, as per the stipulations contained in the Scheme of Administration, can be taken against any member/office bearer only by a majority of 2/3rd members, which if computed, come to 10 members whereas, presence of only 9 persons by name has been shown in the meeting dated 02.07.2026 and, for this reason alone, the meeting was invalid and all consequential actions leading to attestation of signatures of Anoop Kumar Mittal are void.

9. Learned counsel for the contesting respondents, on the other hand, submits that 2/3rd majority is the requirement for bringing a No-Confidence Motion and not the requirement for holding meeting of general body and, therefore, the submissions made on that line are misplaced. It is further submitted that in the meeting dated 02.07.2026, presence of 9 members/office bearers and 3 *ex-officio* members was indicated and, therefore, 12 persons out of 15 having participated in the meeting, quorum was complete to take decision to oust the appellant from the post of manager on account of he being involved in anti-institutional activities of serious gravity.

10. It has further been argued that once signatures of the respondent have been attested on 20.07.2026, his working as of now is more than two months and, therefore, at this stage, it may not be appropriate for this Court to interfere in the matter and once learned Single Judge has already granted liberty to the appellant to approach Regional Level Committee and/or D.I.O.S., adjudication of the issues raised has to be made, at the first instance, at the level of the competent authority/forum, and for this additional reason, no interference is warranted in the order impugned.

11. Learned Standing Counsel also supports the order passed by learned Single Judge and submission has been made that since sufficient leverage has been accorded in favour of the appellant permitting him to approach the competent authority/forum, no interference is warranted in the matter.

12. We have considered the submissions made and have perused the material available on record.

13. Apparently, the minutes of meeting dated 02.07.2026 do not indicate that requirement of notice as provided under Clause 13 of the Scheme of Administration was complied with. For this purpose, we may reproduce Clause 13 of the Scheme of Administration, which reads as under:-

> "13. **सभा एवं समिति की बैठक-**
>
> 1- **साधारण बैठकः-**
>
> अध्यक्ष के अनुमोदन से **प्रबन्धक द्वारा** समिति की बैठक तीन मास में कम से कम एक बार अवश्य बुलायी जायेगी।
>
> 2- **आवश्यक बैठकः-**
>
> प्रबन्धक, अध्यक्ष के अनुमोदन से जब आवश्यक हो समिति की आवश्यक बैठक बुला सकता है और 6 समिति सदस्यों की लिखित माँग पर (जिसमें विचार के लिये विशिष्ट विषय या संकल्प का उल्लेख होना चाहिये) समिति की आवश्यक बैठक बुलायेगा यदि अध्यक्ष बैठक बुलाने की अनुमति न दे तो या प्रबन्धक बैठक ना बुलायें तो समिति के 6 सदस्य पदाधिकारी जिला विद्यालय निरीक्षक की अनुमति से सामूहिक बैठक बुला सकेंगे। इसी प्रकार साधारण सभा की बैठक निरीक्षक के अनुमदोन से सभा के 1/2 सदस्यों द्वारा बुलायी जा सकेगी। यदि उनकी प्रार्थना पर प्रबन्धक/अध्यक्ष बैठक न बुलायें।

3. बैठकों के लिये नोटिस-

> समिति की साधारण बैठक के लिये कम से कम सात दिनों का नोटिस और आवश्यक बैठक के लिये कम से कम पांच दिनों का नोटिस दिया जायेगा किन्तु प्रतिबन्ध यह है कि साधारण बैठक के दिनांक सात दिन पूर्व और आवश्यक बैठक के लिये 5 दिन पूर्व समिति सदस्य के अन्तिम ज्ञात पते पर डाक अथवा उचित माध्यम द्वारा नोटिस भेजने पर यह समझा जायेगा कि उस सदस्य को यथोचित पर हस्ताक्षर कराकर सूचना दी जायेगी। नोटिस के साथ कार्य सूची भी होगी, उसमें बैठक का स्थान, तिथि, तथा समय भी दिया जायेगा। यदि नोटिस रजिस्टर्ड डाक से नहीं दिया जाता है और एजेण्डे पर हस्ताक्षर नहीं कराये जाते हैं तो समिति सदस्य को आपत्ति पर जाँच के उपरान्त निरीक्षक उस बैठक की कार्यवाही को अवैध या वैध घोषित कर सकता है। इसी प्रकार सभी की साधारण बैठक के लिये एक मास का तथा आवश्यक बैठक के लिये दस दिन का नोटिस पर्याप्त होगा। बैठक हेतु एजेण्डा स्थानीय समाचार पत्र में प्रकाशित कराया जायेगा तथा स्थानीय सदस्यों को वाहक द्वारा और बाहर से सदस्यों को साधारण डाक से ज्ञात पते पर यू.पी.सी. द्वारा भेजी जायेगी। ”

14. A perusal of Clause 13(3) indicates that requirement of issuance of 7 days’, 5 days’ and 10 days’ notice is indicated therein depending upon the nature of meeting, i.e., as to whether it is the ordinary meeting of general body or an urgent meeting. The manner of sending notice by post or appropriate mode has also been indicated, however, the meeting dated 02.07.2026 does not at all indicate that such requirements were complied with; rather the indication made therein is that the appellant was informed on 02.07.2026 itself through WhatsApp message sent on his mobile phone and/or through telephonic conversation.

15. In the opinion of the Court, such kind of holding of meeting cannot be countenanced and the mere fact that developments subsequent to meeting dated 02.07.2026 have taken place in terms of attestation of the signatures of respondent on 20.07.2026, alleged holding of another meeting dated 19.07.2026 and order dated 24.07.2026, passed by the D.I.O.S. in furtherance to the above proceedings, the same would not attach validity to the action impugned in the writ petition.

16. We also cannot ignore that the document attesting signatures of the respondent (appended at page No.58 of the paper book) indicates a typed date ‘02/07/2026’, however, correction/change *prima facie* appears to have been incorporated in the said document in the manner that by

hand, figure ‘0’ was added after figure ‘02’ so as to make the date of attestation of signatures as ‘020/07/2026’ in a strange manner. Whosoever has incorporated the change and under whatever circumstances the same was done, the Court refrains itself from making further comment thereon, however, at least this much is clear that complete sanctity cannot be attached to the action challenged through the writ petition.

17. In view of the above fact situation, the submissions made on behalf of the respondents that the matter, at the first instance, can be examined only by competent authority, i.e., may be Regional Level Committee or the D.I.O.S., does not appeal to the Court as the very foundation of the impugned action, i.e., meeting dated 02.07.2026, on the very face of it, being contrary to the approved Scheme of Administration, the same cannot be ignored nor the matter, in the present state of facts and circumstances, be left at the wisdom of the authorities.

18. In light of the above situation, the order passed by the learned Single Judge wherein observation has been made that no provision of law has been placed on record that it was mandatory for the D.I.O.S. concerned to issue notice to the petitioner before passing the order or that indications have been given in the order passed by the D.I.O.S. giving scope to the appellant to approach him, does not appear to be appropriate course of disposing of the writ petition or declining to interfere in the order impugned therein.

19. When the Court expressed its mind to allow the appeal and set aside the order passed by the learned Single Judge as well as the one impugned in the writ petition, learned Counsel for the contesting respondents made a submission that a fresh meeting would be held in accordance with the stipulations contained in the Scheme of Administration and appropriate orders may be passed by this Court.

20. In view of the above discussion, the appeal as well as writ petition deserve to be allowed.

21. The special appeal is, accordingly, **allowed**.

22. The order dated 10.09.2026 passed by learned Single Judge in Writ-C No.31431 of 2026 is **set aside**.

23. Writ-C No.31431 of 2026 is also **allowed** setting aside the order dated 24.07.2026 passed by the DIOS, attestation of signatures of respondent-Anoop Kumar Mittal on 20.07.2026 as well as the proceedings of meeting dated 02.07.2026, the consequences would follow.

24. Liberty is granted to the parties to hold a fresh meeting strictly in accordance with the provisions contained in the Scheme of Administration.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

October 05, 2026
Jyotsana

Digitally signed by :-
JYOTSANA SINGH
High Court of Judicature at Allahabad