2026:AHC:227839-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 1223 of 2026

Neeraj Kumar

.....Appellant(s)

Versus

State of U.P. and 4 others

.....Respondent(s)

Counsel for Appellant(s)	:	Prabhakar Awasthi (Sr. Advocate), Deepankar Nath Tripathi, Nitin Sharma
Counsel for Respondent(s)	:	C.S.C., R.K. Ojha (Sr. Advocate), Shyam Sunder

Chief Justice's Court

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

1. Heard Shri Prabhakar Awasthi, learned Senior Counsel, assisted by Shri Nitin Sharma and Shri Deepankar Nath Tripathi for the appellant, learned Standing Counsel for respondents no. 1, 2 and 3 and Shri R.K. Ojha, learned Senior Counsel, assisted by Shri Shyam Sunder for respondents no. 4 and 5.

2. This intra court appeal is directed against order dated 21.09.2026, whereby learned Single Judge has disposed of Writ-C No. 36339 of 2026 filed by respondents no. 4 and 5 (‘the respondents’), setting aside the order dated 12.08.2026 passed by the Regional Level Committee (‘RLC’) and remanding the matter to it with liberty to the parties to file documents in support of their stand so as to facilitate a fresh consideration by the RLC on all the issues raised.

3. Brief facts of the case are that the elections of the Committee of Management of Shyam Singh Inter College, Bilsuri, District Bulandshahr were held on 26.03.2019 in which the appellant was elected as President and one Urmila Devi as Manager. The term of the Committee being admittedly of five years, the same came to an end in June, 2024. The Manager-Urmila Devi sent a list of members of General body to the Joint Director of Education, Meerut Division, Meerut on 12.04.2024 in terms of Clause 9(3) of the Scheme of Administration indicating that the term of the Committee was going to expire on 22.06.2024.

4. Thereafter, an agenda was issued on 29.04.2024 under the signatures of Manager-Urmila Devi and President-Neeraj Kumar (the appellant herein) indicating six agenda-issues for consideration, in pursuance whereof a meeting was held on 12.05.2024 wherein decision on all the agenda-issues was taken and 15.06.2024 was notified as the date of next elections. Elections were, accordingly, held on 15.06.2024 in which the respondent-Committee was elected.

5. The matter was agitated by the appellant before the RLC raising challenge to the elections on various grounds. The RLC passed the order dated 12.08.2026 invalidating the elections dated 15.06.2024 with a direction to the District Inspector of Schools, Bulandshahr (‘DIOS’) to ensure holding of fresh elections in accordance with the approved Scheme of Administration.

6. The respondents challenged the order dated 12.08.2026 by filing the writ petition giving rise to this appeal. The writ petition was heard on 11.09.2026 and judgment was reserved, which was delivered on 21.09.2026. Learned Single Judge allowed the writ petition in terms already indicated herein-before.

7. Assailing the order passed by the learned Single Judge, learned Senior Counsel has submitted that the writ petition has been allowed without inviting counter affidavit from the appellant and, therefore, the appellant having been deprived of having his say in the matter, the order passed by the learned Single Judge deserves to be set aside on this ground alone.

8. It is further contended that the order passed by the learned Single Judge is substantially based upon Clause 9(2) of the Scheme of Administration in ignorance of sub-clause (3) thereof, which provides that list of members of General body would be declared two months prior to expiry of the term of the elected body and five copies of the said list would be sent to the DIOS and one copy to Regional Joint Director. It is further contended that once, on 12.04.2024, a list of members of General body was already sent by the Manager, there was no justification for the respondents to hold another meeting on 12.05.2024 and take a decision to enroll new members which were surreptitiously enrolled in the said meeting and based thereupon, elections were held on 15.06.2024, which,

being contrary to the stipulations contained in the Scheme, are *ex facie* illegal.

9. It is further contended that the agenda dated 29.04.2024 not only contained forged signatures of the appellant, the same were also forged in the meeting held on 12.05.2024 although neither the appellant had signed the agenda nor did he participate in the meeting and the entire proceedings having been surreptitiously held in a clandestine manner, the consequential elections were liable to be discarded, however, the learned Single Judge has not given a thoughtful consideration to the submissions advanced on behalf of the appellant.

10. It is further submitted that one Kusum Devi is also said to have participated in the elections held on 15.06.2024, however, she also did not participate therein and submitted her affidavit dated 19.03.2025 before the DIOS to that effect and all these aspects having been raised before the RLC and considered by it, the order passed by it was perfectly in accordance with law and required no interference by the learned Single Judge.

11. It is further contended that no prejudice would be caused to the respondents if fresh elections are held in accordance with the stipulations contained in the Scheme of Administration and, therefore, irrespective of the fact that the Committee elected pursuant to the elections dated 15.06.2024 has functioned for more than two years, the same would be of no significance as far as the merits and effect of the order passed by the RLC are concerned.

12. Learned Standing Counsel has supported the order impugned and submissions have been made that the parties would have ample opportunity to have their say before the RLC pursuant to the order passed by the learned Single Judge and, therefore, no interference is warranted in the order of the writ court.

13. Learned Senior Counsel appearing for the private respondents has made submissions that out of 301 members of the General body, 199 members had participated in the elections held on 15.06.2024 and even if 42 members enrolled in the meeting held on 12.05.2024 are excluded,

participating members would be 157 and since only 17 votes were cast in favour of the appellant, the election result would not at all be affected and, for this reason, no interference is required in the elections or their result.

14. It is further submitted that the appellant had, in fact, participated in the elections and after facing defeat therein, he did not agitate any grievance but came up with his objections after a long period of six months and though the matter remained pending before RLC for a considerable period of time, no effort was ever made by the appellant to get the matter decided and, therefore, it is a case where the objections raised by the appellant were merely an afterthought having no substance therein.

15. It is further contended that the finding recorded by the RLC to the effect that the list of members of general body finalized on 12.05.2024 was not approved, was contrary to the stipulations contained in the Scheme, wherein there is no requirement of according approval to the list and once it was sent to the authorities in terms of Clause 9(3) of the Scheme, the same was sufficient for holding elections, which were held in accordance with law.

16. It is lastly contended that the matter having been remanded by the learned Single Judge, it is open for the appellant to have his say before the RLC, which is under obligation to decide the rival contentions by passing a fresh order in terms of the order passed by the learned Single Judge and, therefore, no interference is warranted in the order passed by the writ court.

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

18. A perusal of the order dated 12.08.2026 passed by the RLC indicates that the contentions raised by the appellant as well as private respondents and also the report submitted by the DIOS were discussed in the order and the elections held on 15.06.2024 were nullified/dislodged mainly on the ground that no approval was accorded to the list of members of the General body after enrolling 42 new members and, therefore, the said list was invalid. The RLC also reproduced various clauses of the Scheme of

Administration and after setting aside the elections dated 15.06.2024, issued directions to the DIOS to get conducted fresh elections.

19. Learned Single Judge has reproduced Clauses 7 and 9 of the Scheme in his order and, after considering the submissions made by the parties including the argument advanced by the appellant before us as regards his forged signatures, the learned Single Judge has arrived at a conclusion that the specific case of the appellant regarding forgery has not been considered by the RLC.

20. Learned Single Judge has also given consideration to the induction of 42 new members and, based upon the nature of the order passed by the RLC and having noticed shortcomings therein, the order dated 12.08.2026 was set aside and the matter was remanded to the RLC granting liberty to both sides to file documents in support of their stand to facilitate a fresh consideration by the RLC in accordance with law.

21. Looking at the nature of order passed by the learned Single Judge, if we proceed to examine the contentions raised by the rival sides, we find that a clear finding is yet to come on the allegations of forgery and also sanctity *qua* the agenda dated 29.04.2024, meeting held on 12.05.2024 and the consequential elections held on 15.06.2024 and any observation made by this Court at this stage would certainly prejudice fresh determination to be made by the RLC in pursuance of the order passed by the learned Single Judge.

22. We are observing so in view of the fact that though plea regarding non-participation of Kusum Devi was taken by the appellant in his representation filed before the RLC, nowhere it was indicated as to whether the appellant did or did not participate in the meeting/elections. Even in the memo of this Special Appeal or in affidavit, the said plea has not been taken.

23. As regards the issue as to whether, after sending the list of members of General body on 12.04.2024, any subsequent list could at all be sent, the same, *prima facie*, does not appear to be hit by any clause of the Scheme, inasmuch as the requirement under Clause 9 (3) of the Scheme is only to send the list two months prior to expiry of the term of Committee.

Admittedly, the term of the Committee previously elected was going to expire in June, 2024 and as to whether, subsequent to sending of list on 12.04.2024, any further list based upon the meeting dated 12.05.2024 was actually sent to the officials and, if sent, as to whether the same would conform to the requirements contained in Clause 9(3) of the Scheme, all these aspects require determination by the RLC.

24. We refrain ourselves from recording any finding on any issue raised by the parties before us as we are satisfied that, in the facts and circumstances of the case, where the parties are at various contentious issues, our observations in any direction would prejudice case of either of the parties during the fresh determination to be made by the RLC.

25. As far as the submission made on behalf of the appellant that the learned Single Judge did not grant opportunity to the appellant to file counter affidavit, we find from bare reading of second paragraph of the order passed by the learned Single Judge that the writ petition was finally decided with the consent of learned counsel for parties without exchange of pleadings on the basis of material available on record. As to what had transpired before the learned Single Judge and what statements were actually made by the respective parties while addressing the writ Court, the same cannot be ascertained by this Court in light of the indications made in second paragraph of the order.

26. In view of the above discussion, we are not inclined to interfere with the order passed by the learned Single Judge.

27. The special appeal has no substance; the same is, therefore, **dismissed**.

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

November 2, 2026
AKShukla/-

Digitally signed by :-
ANIL KUMAR SHUKLA
High Court of Judicature at Allahabad