



2026:AHC:61376-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 66 of 2026

Committee of Management, Jai Prakash Degree
College

.....Appellant(s)

Versus

State of UP and 4 others

.....Respondent(s)

Counsel for Appellant(s)	: Gajendra Pratap (Sr. Adv.), Jitendra Kumar Srivastava
Counsel for Respondent(s)	: C.S.C., Ashok Khare (Sr. Adv.), Pushpendra Kumar Yadav, Shashi Prakash Rai

Chief Justice's Court

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

1. This appeal is directed against interim order dated 06.12.2024 passed by learned Single Judge in Writ - C No. 40642 of 2024, whereby learned Single Judge ordered in relation to the institution in question that if the elections have already not been recognized, the same will not be recognized without leave of the Court.
2. The appeal is barred by 382 days.
3. An application under Section 5 of the Limitation Act has been filed supported by affidavit seeking condonation of delay in filing the appeal.
4. Submissions have been made that there exists a circumstantial delay in filing the appeal. The delay was occasioned on account of the fact that the appellant was waiting for the hearing of the writ petition and it was advised, at the time of passing of the interim order, not to file the special appeal but on account of continuous adjournments by respondent Nos. 4 and 5, the appellant has been advised to file the present special appeal.
5. Based on the said submissions, it is claimed that there is no wilful or deliberate delay in filing the present appeal. Further indication has been made that under legal advice, the appeal was not filed when the order impugned was passed. Based on the said submissions, it has been prayed

that the appeal be treated as within limitation.

6. Counsel for the appellant questioned the validity of the order impugned. Submissions were made that both the indications made in the order regarding the order of Vice-Chancellor directing the Committee of Management to hold election being under challenge and as to whether Society or Trust would run the institution is still engaging attention of the University are factually incorrect inasmuch as the Vice-Chancellor has only nominated the Election Officer and not ordered for holding of the elections and that no proceedings are pending at the level of the University and therefore, the order impugned passed, based on the said contentions as noticed, deserves to be set aside.

7. Counsel for the respondents contested the application seeking condonation of delay. Submissions were made that only on account of alleged non-hearing of the matter by the learned Single Judge, cannot be a reason for seeking condonation of delay in filing the appeal after more than one year of passing of the order. Further submissions have been made that on the one hand, the respondents are being accused of getting the matter adjourned, however, on part of the appellant, neither reply to the writ petition nor application seeking vacation of the interim order has been filed and therefore, the non-hearing of the matter is at the behest and due to the conduct of the appellant itself. Submissions have been made that the order impugned before the learned Single Judge is *ex-facie* illegal and against the law and therefore, the learned Single Judge was justified in passing the order impugned, which even otherwise does not call for any interference.

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

9. As noticed, the appeal is barred by 382 days.

10. The only plea raised in the application seeking condonation of delay apparently is that after grant of interim order in presence of counsel for the appellant, the matter is not getting heard. The limited order sheets, which have been placed on record, indicate that while granting the interim order on 06.12.2024, the matter was ordered to be listed 'as fresh' on

06.01.2025 and on that date, the matter was adjourned at the instance of the respondent herein and on the next occasion, i.e., on 24.03.2025, at the request of the appellant, the matter was got adjourned.

11. It is surprising that on the one hand a grievance qua the grant of interim order is being made and the fact that the matter is not getting heard is being projected as the reason for filing the special appeal, but so far neither the counter affidavit to the petition nor application seeking vacation of the interim order has been filed, which necessarily shows that only with a view to seek condonation of delay, the plea pertaining to the matter not getting heard, is sought to be projected.

12. The fact that interim order was passed in presence of counsel for the appellant and the same was neither questioned immediately nor any attempt was made to get the order vacated, clearly shows that for the reason other than the purported non-hearing of the matter, the present appeal has been filed.

13. Be that as it may, we are firmly of the opinion that merely because after an interim order has been granted by learned Single Judge in the presence of the other party and for any reason, the writ petition/stay application cannot be heard in a given period, the same, by itself, cannot be a reason to question the validity of the interim order with inordinate delay seeking condonation of delay on the said ground. We do not find that the reason as projected in the application seeking condonation of 382 days' delay is sufficient for the purpose,.

14. Consequently, the application seeking condonation of delay is dismissed. However, looking to the nature of plea raised, the writ petition may be listed before the learned Single Judge on 16.04.2026. It is expected that the matter would be given some priority and would be heard with expedition.

15. With the the above direction, the appeal stands disposed of.

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

March 24, 2026

Mukesh Pal