



2026:AHC:61252-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
SPECIAL APPEAL DEFECTIVE No. - 199 of 2026

Ram Pal Singh and another

.....Appellant(s)

Versus

State of U.P. and 5 others

.....Respondent(s)

Counsel for Appellant(s)	: Sanjay Kumar Pundir, Sr. Advocate
Counsel for Respondent(s)	: C.S.C., Krishna Mohan Asthana

Chief Justice's Court

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

1. Supplementary affidavit filed today is taken on record.
2. Heard Shri Radha Kant Ojha, learned Senior Advocate assisted by Shri Sanjay Kumar Pundir for the appellants, learned Standing Counsel for respondents no. 1 to 4 and Shri Krishna Mohan Asthana, learned counsel for respondents no. 5 and 6.
3. This appeal is directed against the order dated 25.02.2026 whereby the learned Single Judge has disposed of Writ - C No.

7663 of 2026 filed by respondents no. 5 and 6 with certain observations.

4. The writ petition was filed challenging an order/letter dated 27.01.2026 issued by the Director/Additional Director (Secondary), Prayagraj to the Regional Joint Director of Education, whereby the latter was informed regarding holding of meeting in the office of Additional Director on 19.02.2026 at 12:00 Noon for the purposes of deciding the membership dispute concerning Chacha Nehru Smarak Inter College, Balapur Akheda, District Bijnor. Further prayer was made to direct the respondent authority/District Inspector of Schools, Bijnor to pass appropriate order for holding fresh elections of the Committee of Management of the Institution through an observer appointed by the authority and under the supervision of the Presiding Officer, within a specified period of time and, further, not to interfere in functioning of the Committee of Management of the petitioners (respondents no. 5 and 6).

5. Learned Single Judge, after noticing that the tenure of the Committee of Management was up to 23.02.2026 with one month grace period, declined to quash the order impugned and disposed of the writ petition with the observation that since, at this stage, concerned respondent has only summoned concerned parties to place their case, no illegality has been committed. Learned Single Judge further observed that if the respondent proceeds to pass any order on merit, he shall first decide as to whether he has jurisdiction to decide the issue of dispute of Committee of Management and membership. While concluding the order, an observation was made in paragraph no. 6 that 'in the meanwhile,

proceedings for fresh election may go on, if there is no other legal impediment'.

6. Learned Senior Counsel for the appellants has made submissions that on the one hand, learned Single Judge has declined to quash the order/communication dated 27.01.2026 and observed that in case the respondent authority proceeds to pass any order on merits, question the jurisdiction to decide a dispute of Committee of Management and membership would be decided at the first instance, on the other hand, an unwarranted observation has been made regarding holding of fresh elections.

7. Submission is that taking advantage of the observation contained in 6th paragraph of the order, the respondents have surreptitiously and unlawfully held elections in furtherance of the notice dated 16.03.2026 published in a newspaper and the elections have been held illegally on 23.03.2026 (i.e. yesterday).

8. Further submission has been made that the petitioners have every right to file objections against the election proceedings as well as result thereof, however, in case any such objections are filed, the same would not be accorded due consideration and the authority would hold the elections as valid by observing that the same were permitted to be held by the writ Court as per observations made in 6th paragraph of the order.

9. It has further been submitted that in any case, if the appellants are permitted to file objections against the election proceedings and result thereof, the same may be directed to be considered on its own merits without being influenced by the observations made by the learned Single Judge.

10. Per contra, learned counsel for the respondents-writ petitioners submits that the Special Appeal has been rendered infructuous in view of the fact that the Committee of Management has lived its term and fresh elections have been held on 23.03.2026 and, therefore, neither the cause espoused through writ petition survives as on today nor any other direction can be issued in the present appeal and, therefore, he prayed for dismissal of the appeal.

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

12. In our opinion, the learned Single Judge rightly declined to interfere with the communication dated 27.01.2026 whereby a meeting was scheduled to be held by the Additional Director of Education in relation to the consideration and disposal of membership dispute. Further, the learned Single Judge rightly observed that if the authority proceeds to pass any order on merits, it shall first decide as to whether it has jurisdiction to decide the issue of dispute of Committee of Management and membership.

13. Once observations to the aforesaid effect were made, there was no necessity to make an observation regarding holding of fresh elections and, in this regard, the apprehension of Shri Ojha appears to have substance that in case, pursuant to the elections held on 23.03.2026, the appellants prefer any objections before the competent authority, an occasion may arise where the authority may turn down the objections only on the ground that the elections have been held in furtherance of or permission granted by the High Court.

14. We are of the view that, in the facts and circumstance of the case, observations made in paragraph 6 of the order of learned Single Judge were not warranted and, in any case, since the elections have been held and the validity thereof has to be examined in appropriate proceedings, we are inclined to dispose of the present appeal with certain observations.

15. In view of the above discussion, the Special Appeal is **disposed of** with a clarification that mere observations made by learned Single Judge in paragraph 6 of the order dated 25.02.2026 passed in Writ - C No. 7663 of 2026, would not be treated as an authority in favour of the writ-petitioners (respondents no. 5 and 6) to hold elections nor would the same, in itself, be treated as validating the election proceedings or result thereof.

16. It is further directed that in case, parties aggrieved of the elections or their result, prefer any objections before the competent authority, the same shall be dealt with strictly in accordance with law and on their own merits after providing opportunity of hearing to the rival parties and without being influenced by the observations made in paragraph 6 of the order of the learned Single Judge.

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

March 24, 2026

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