



2026:AHC:66659

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 12454 of 2026

Surendra Pal Singh

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rituraj Singh, Shri Ram Pandey
Counsel for Respondent(s)	: Arsh Ahmad Farooqui, Bakhteyar Yusuf, C.S.C.

Court No. - 38

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Mr. Shri Ram Pandey, learned counsel for the petitioner and Shri Bakhteyar Yusuf, learned counsel for the Respondent No.6 and learned Standing Counsel for the State.
2. On an urgency application being moved by the learned counsel for the petitioner, the present case has been placed along with the office report dated 29.03.2026 in the supplementary list.
3. Learned counsel for the petitioner has pointed the urgency by placing reliance on the letter dated 26.03.2026 by way of which the date of recounting has been fixed for today at 3:30 PM. He has submitted that the petitioner is a Professor in the Department of Sanskrit in C.M.P. Degree College, A constituent college of University of Allahabad.
4. The society is a registered society for the welfare of a teacher's association in the name of "Allahabad University Constituent Colleges Teachers' Association" (AUCCTA).
5. Paragraph 8 of the by-laws provides for the procedure for holding elections and the term of the office bearer is two years from the date of taking the oath; and election of the office bearers of the society was held on 27.04.2025 and on the same date, election results were declared. The petitioner was elected to the post of President and one Mr. Amit Singh who was the closest contestant, lost the election by two votes.

6. It is the case of the petitioner that no objection was raised during the counting and subsequently after losing the election, the said Shri Amit Singh had filed an application u/s 25(1) of the Act, 1860, but however the petitioner was neither made a party nor was any notice issued to him; and accordingly, the entire proceedings u/s 25(1) of the Act is an *ex parte* proceeding. He has also placed reliance on the application dated 03.05.2025 wherein vague allegations have been made regarding irregularities in the counting process. He has submitted that no details of the votes being wrongly declared as void was given in the application. For ready reference, Paragraph-13 is reproduced below:

"13. यह कि मतगणना के दौरान आवेदनकर्ता के मत अविधिक रूप से अमान्य कर दिये गये और मतगणना को प्रभावित करते हुए प्रार्थनाकर्ता को विजयी होने के उपरान्त भी 2 मतों से पराजित घोषित कर दिये।"

7. I perused the impugned order dated 17.03.2026 and it has also been admitted by learned counsel for the respondent that the petitioner was neither made a party nor was any notice issued to him. The order of recounting has been passed only after hearing the Election Officer Professor Sanjay Singh. On a pointed query made to learned counsel for the respondent as to whether in proceedings u/s 25(1) of the Act, 1860, since the recounting of the votes would effect the rights of the returned candidates or not, he has simply submitted that there is no requirement of hearing the returned candidates and moreover, recounting can be done as a measure of precaution and no prejudice would be caused, to the returned candidates.

8. I am unable to agree with the said contention and find that since admittedly the order for recounting has been passed without any opportunity to the returned candidate and moreover, when an appeal has already been preferred against the order dated 17.03.2026 and a stay application was pending, the authorities concerned ought to have awaited the outcome of the stay application in the appeal or at least a reasonable time; especially in the circumstances when the petitioner was a returned candidate on the post of President.

9. At this stage, Shri Bakhteyar Yusuf, learned counsel for the respondent has submitted that the writ petition may be disposed of at the admission

stage itself and he has no objection in case the stay application of the petitioner in Appeal No. 519 of 2026 (Surendra Pal Singh Vs. Amit Singh and Others) pending before Respondent No.2 - The Commissioner, District- Prayagraj, being filed under Section 25(1) of the U.P. Societies Registration Act is decided within a period of three weeks from today and the recounting is made subject to the outcome of the aforesaid appeal.

10. In view of the aforesaid, the present writ petition is disposed of with the direction to the Respondent No.2 to decide the stay application of the petitioner in Appeal No. 519 of 2026 (Surendra Pal Singh Vs. Amit Singh and Others), within a period of three weeks from today, and further, dispose of the appeal within eight weeks from today; and the impugned order shall be subject to the outcome of the aforesaid appeal.

11. With the aforesaid observation and direction, the writ petition stands disposed of.

(Siddharth Nandan,J.)

March 30, 2026

Sumit K.