



2026:AHC:19044

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2303 of 2026

A.F.R

Committee Of Management Shri Balmiki Ashram
Dharam Sangh Sanskrit Vidyalaya And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Himanshu Dubey, Surya Shanker Pandey
Counsel for Respondent(s)	:	C.S.C., Satendra Kumar Singh, Suresh Chandra Varma

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Supplementary affidavit filed today in the Court is taken on record.
2. Heard Sri A.K. Singh, learned Senior Counsel assisted by Sri Himanshu Dubey, learned counsel for the petitioner, learned Standing Counsel for respondent Nos.1 & 2 and Sri S.C. Varma, learned counsel for respondent No.3.
3. The present petition has been filed by the petitioners with the following prayers:-

a. Issue a writ, order or direction in the nature of certiorari to call for the record quash and set aside the order dated 30.12.2025 (Annexure No.1) and 14.01.2026 (Annexure No.2) passed by Assistant Registrar, Firms, Societies and Chits, Jhansi Region, Jhansi.

b. Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities to act upon the order dated 06.06.2025 and conclude the election process within the time so framed by this Hon'ble Court.

C. To pass such other and further order, which this Hon'ble court may deem fit and proper in the circumstances of the present case.

4. It is argued that by the order dated 30.12.2025 passed by the respondent No.2/Assistant Registrar, Firms, Societies and Chits Jhansi Region Jhansi by which a direction was given to the petitioner Nos.2 & 3 to submit list of alive members of the Committee of Management who participated in the election held on 05.10.2010 within 15 days. It is argued that the aforesaid order received by the petitioners first time on 14.01.2026, consignment report of post office is appended as Annexure No.2 to the supplementary affidavit. It is argued that though vide order dated 30.12.2025, 15 days time was granted to the petitioners to submit list of alive members and the aforesaid order was received by the petitioners on 14.01.2026 but without waiting the period of 15 days, election programme was published on 14.01.2026, according to which entire proceedings in respect of election of Committee of Management will be held on 28.01.2026. It is argued that the actual 15 days time was not provided to the petitioners before declaring the election programme, therefore, the same is bad in the eyes of law and the same is liable to be quashed.

5. On the other hand, it is argued by Sri S.K. Varma, learned counsel for the respondent No.3 that once the election programme has been notified, no interference would be called for by this Court specially under Article 226 of the Constitution of India.

6. Heard learned counsel for the parties and perused the record.

7. From perusal of the record, it is clear that the election programme has already been published by the respondent No.2 on 14.01.2026. According to the same, the entire election proceedings were directed to be completed on 28.01.2026 itself. This Court has on more than one occasion held that the finalization of an electoral college and a challenge thereto, should not be entertained by this Court inasmuch as it would clearly derail the election process and in any view of the matter it is always open to an aggrieved person to challenge the elections as a whole after completion of

the process.

8. In this view of the matter, the Court is of the opinion that any interference in the matter at this stage would clearly stall and affect the process of elections which has already been set in motion. This Court must necessarily bear in mind the fact that the finalization of a list by the Assistant Registrar by virtue of exercise of powers under the Societies Registration Act, 1860 is based upon a prima facie view taken by him. Even if there be competing claims at this stage, the Assistant Registrar proceed to finalise the Electoral College, the authority is not really adjudicating a dispute conclusively. He is at this stage only accepting a list of members which he finds to be prima facie constituting the valid general body. In fact, it would be apposite to notice what the Apex Court held in paragraph No.3 of **A.P. Aboobaker Vs. Distt. Registrar reported in 2004 (11) SCC 247** which reads as follows:-

"The Division Bench of the High Court was right in taking the view that the list accepted by the District Registrar did not become final; if the appellant was aggrieved, it was open to him to establish his claim in a competent court/forum. To us, it appears even the District Registrar did not adjudicate any dispute as such. It was only a question of accepting, prima facie, the list of members of the governing body. If the appellant's claim was right and justified, merely because the District Registrar accepted the list of the governing body of members by E.R. Aboobaker, it did not prevent him from establishing his claim in a competent court."

9. Following the above a learned Single Judge of our Court in **Gyan Bharti Shiksha Sadan and another Vs. State of Uttar Pradesh 2014 (5) ADJ 263** held as follows in paragraph 34:

"Thus the dispute of the office bearers are decided under S. 4 of the Societies Registration Act by the Registrar on the basis of prima facie satisfaction, as he has to deal with them for performing his administrative functions under the various provisions of the Act as detailed above. The aggrieved parties

are left open to adopt the remedies available such as civil suit."

10. It is perhaps in the above backdrop that this Court in ***Committee of Management, Maharana Pratap Vidyalyaya reported in 2013 (101) ALR 880*** held as follows:

"9. In order to avoid a large number of writ petitions filed for quashing the orders passed by the educational authorities during the process of elections and in seeking directions to them, we hereby declare that the principles of law laid down by the Supreme Court in N.P. Ponnuswami v. Returning Officer, AIR 1952 SC 64; Harcharan Singh v. Mohinder Singh and others, AIR 1968 SC 1500; Mohinder Singh Gill and another v. The Chief Election Commissioner, AIR 1978 SC 851; Jyoti Basu and others v. Debi Ghosal and others, AIR 1982 sc 983; Harikrishna Lal v. Bau Lal Marandi, (2003) 8 SCC 613 and Shyamdeo Pd. Singh v. Naval Kishore Yadav, (2000) 8 SCC 46, restraining the Courts from interfering in the process of election after the elections are notified is equally applicable to the elections of the office bearers of the committee of management of the societies as well as the Committee of Management to be elected in accordance with the provisions of the scheme of administration of the educational institutions. The principles of law that the Courts should keep their hands off in electoral matters and that all election disputes must be tried by the Election Tribunal, is also incorporated in the Constitution of India under Article 329 (b) for the elections of the Parliament or to the house or either house of the legislature, under Article 243 O for the elections of Panchayats and Article 243 ZG in the matter of elections of the municipalities.

10. There is no reason as to why these time tested and settled principles should not be made applicable to the elections of the office bearers of the societies and for the Committee of Management under the scheme of administration of the educational institutions.

11. We have every reason to believe that in future the Court will refuse to interfere in the process of elections until the elections are concluded and will refuse to entertain election disputes and relegate the parties to approach the Election Tribunals or to file civil suit to challenge the results of the elections."

11. The aforesaid view was again taken by the Hon'ble Supreme Court in the case of ***State of Goa Vs. Fouziya Imtiaz Shaikh and another reported in (2021) 8 SCC 401.***

12. Accordingly and in view of the above, this Court declines to entertain this writ petition and it is accordingly dismissed.

13. No order as to costs.

(Prakash Padia,J.)

January 28, 2026
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