



2025:AHC:194823

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT – C No. - 10388 of 2019

Balwant Educational
Society And 3 Others

.....Petitioners(s)

Versus

State Of U P And 3 Others

.....Respondents(s)

Counsel for Petitioners(s)	: Amit Saxena (Senior Adv.), Fuzail Ahmad Ansari, Mohd Aadil Siddiqui, Sri P.N. Saksena(Senior Advocate)
Counsel for Respondent(s)	: C.S.C., Fuzail Ahmad Ansari, Kartikeya Saran, Prabhakar Awasthi, Raj Kumar Mishra, Rajesh Kumar Shukla, Tanisha Jahangir Monir

**Connected with Writ Petition Nos. 49372 of 2013 , 55196 of 2016,
18418 of 2023**

AFR
Judgment Reserved on 31.10.2025.
Delivered on 06.11.2025.

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Ashok Khare, learned Senior Counsel assisted by Sri Raj Kumar Mishra, learned counsel for the petitioners in Writ Petition No.49372 of 2013, Sri Zeeshan Khan and Sri Ali Bin Saif, learned counsel for the respondents in above referred writ petition and for petitioners in Writ Petition Nos.55196 of 2016,

10388 of 2019 and 18418 of 2023 and Sri Ashok Khare, learned Senior Counsel assisted by Sri Raj Kumar Mishra, learned counsel for the respondents in Writ Petition Nos. 55196 of 2016, 10388 of 2019 and 18418 of 2023.

2. Present bunch of Writ Petitions are arising out of a dispute regarding constitution of a Committee of Management to run an Educational Institution namely Raja Balwant Singh's College, Agra being run by a registered Society in the name and style of 'Balwant Educational Society'.

3. As per bye laws of aforesaid Society, it has a Board of Management, which has 9 members from State Government, a Teacher, a Principal as well as old students and 13 members are elected by the Board for a term of 5 years.

4. The dispute appears to be limited to the election of Vice President of the Board as per Clause 7 (ii) of Rules of the Society i.e. Raja of Awagarh. Clause 6 (1) (b) of Rules of the Society states that "Raja of Awagarh Estate, provided that whenever, the Raja is a minor the manager of the post for the time being. The Raja may nominate his major son to attend meetings in his absence", will be a member of the Board.

5. Presently, it is a dispute between two persons from the Pedigree of Late Raja of Awagarh Estate. Anirudh Pal Singh, younger son of Late Digviyal Pal Singh and on other side Sri Jitendra Pal Singh, eldest son of Yogendra Pal Singh. Digviyal Pal Singh was elder brother of Yogendra Pal Singh.

6. Earlier, a dispute of aforesaid society in regard to a proposed amendment in the Rules of the society has reached before this

Court and a co-ordinate Bench of this Court in *Dr. D.P.S. Bhati & Anr Vs. State of U.P. 2011 (8) ADJ 633* not only rejected the amendment a judgment dated 25.8.2011, but has observed and deprecated the monetary dispute among family members. For reference, paragraph 39 of the said judgment is reproduced hereinafter:

"39. Before parting this Court would like to state that petitioners' Society is running a prestigious educational institution at Agra. The College is one of the most recognised and acclaimed higher educational institution at Agra. It is the duty of all persons concerned including the members of Society, its office bearers as also the public in general that for petty managerial disputes, the educational institution may not suffer in any manner. The height institution has reached not only needs be maintained but attempt should be made to take it further up and not to bring down. The education, these days, has become highly commercialised. It has become a lucrative business for those who look upon it as a major intellectual resource which can yield huge wealth. The Court is inclined to take judicial notice of the fact that in respect to certain professional courses, management of educational institutions are running sophisticated and cultured shops collecting huge money under the table as capitation fees. They call it by different names like donation, etc. They provide their own justification but the fact remains that this system of imparting education having the sole capital oriented objective reflects adversely upon the meritorious but poor students. Despite merit they remain waiting in queue being incapable of crossing monetary hurdle on account of their poverty. In a country where more than 80% people are still struggling to cross just the line which is called above or below poverty line, one can easily visualise how and in what manner they can aspire for better education despite circumstances generated by their poverty. Unfortunately, the educational authorities instead of functioning with the goal of achieving constitutional obligation of providing equal opportunity for education to all, are acting hand in gloves with education jugglers and mafias. The system is perishing intellectual wealth of this country by keeping opportunity of better and higher education away from the poor creating a great financial hurdle. I am dismay to observe that the system has been made to work in such a manner that one can obtain loan

to purchase a car on a meagre interest rate of 8-9% per annum but financial assistance in the form of education loan is available at higher rate of interest i.e. 12-13%. Is it not a mockery of poor but meritorious students who though are otherwise entitled to obtain better education but have paucity of funds. Their foremost problem is how to survive. They get little time for them of acquiring education. The opportunity and avenues as also the atmosphere has to be created by welfare Government of the country but the cancerous growth of self interest, corruption and apathy to the welfare of large section of the society, at the level of above poverty line/below poverty line, is eroding and vanishing their future prospects. We can boast to have presently having mushroom growth of educational institutions including privately owned universities but the manner they are working is well known to everyone. So much so that at one stage even the Apex Court intervened in a public interest litigation resulting in making several self styled universities running in the area of Madhya Pradesh and Chhattisgarh unconstitutional. (See Prof. Yashpal v. State of Chhattisgarh, 2005 AIR 2026=(2005) 5 SCC 420). In this difficult and little bit grim scenario it becomes our moral and pious duty to protect and save what we already have in the form of well established and old educational institution working like temples of education. There are some such institutions at Agra which are relentlessly discharging their social obligations taking care of people in most effective and satisfactory manner like Agra College, St. John's College and petitioners' College is also one of them. I have quoted the names just as an illustration and it is not exhaustive. This Court, though not issuing a command to the people responsible for management of institution but would remind them to keep intact the people's aspiration, they have from the members of Society responsible for effective administration and management of educational institution run by the petitioners Society. The petty individual interest should not score a march over larger public interest. Come what may, but the atmosphere of educational institution should not be affected in any manner otherwise not only the people of city at Agra but entire province and may be the country, (since students comes to this College across the country) would never condone the sin. I hope and trust that good senses shall prevail with the disputing parties and they shall give serious thought over the matter so as to work conjointly for the better and more effective

functioning of educational institution and to raise its standard sky high."

(Emphasis Supplied)

7. Despite aforesaid observations, family members of Late Raja of Awagarh Estate have not able to resolve their disputes and to act as one family, at least for benefit of the Society and legacy of their forefathers, rather they want to usurp property and to create disputes.
8. When the matter was heard finally on 30.10.2025, Sri Jitendra Pal Singh and Sri Anirudh Pal Singh were present in Court, However, Court finds that they were not in talking terms.
9. Initially, they even refused to shake hands, but on request of this Court, they shook hands but Court observed that they have shaken hands as a physical gesture only and there was no emotional bonding between two brothers. So far as age is concerned, Sri Jitendra Pal Singh is few months older to Sri Anirudh Pal Singh.
10. Now the Court proceeds to consider writ petitions from oldest to latest and firstly deals with **Writ Petition No.49372 of 2013.**
11. This writ petition was filed by Sri A.S.Rajpoot, Honorary Secretary, Balwant Educational Society and Sri Ambresh Pal Singh, Joint Secretary, Balwant Educational Society.
12. This writ petition is supported by an affidavit of one Sri R.K.Agarwal, who has declared himself to be Incharge of Legal Cell Balwant Educational Society.

13. In the entire writ petition there is nothing on record that how Incharge of Legal Cell Balwant Educational Society was authorized to swear the affidavit on behalf of petitioners, therefore, this writ petition is defective as it is not accompanied by an affidavit of a person duly authorized to swear on behalf of the petitioner. However, considering that this writ petition is of the year 2013, wherein an interim order was passed on 4.10.2013, whereby the impugned order dated 22.8.2013 was stayed, therefore, perused the impugned order.

14. By the impugned order dated 27.6.2012, the Registrar has declared existing Committee of Management to be time barred and passed order to appoint an Authorized Controller.

15. Undisputedly, life of the then elected members of Committee of Management has expired many years ago, therefore, according to this Court, this writ petition has rendered infructuous. Even otherwise, being a defective Writ Petition, controversy involved therein cannot be agitated at the instance of a deponent, who was not authorized to swear the affidavit. Accordingly, taking note of interim orders, present Writ Petition is disposed of.

Writ Petition No.55196 of 2016

16. This writ petition was filed by Sri Babu Lal Gupta, Secretary, Board of Management, Balwant Educational Society, Agra and by Vice President, Balwant Educational Society(Sri Jitendra Pal Singh).

17. This writ petition is supported by an affidavit of one Sri Richpal Singh, who has declared himself to be pairokar and

member of petitioner Institution. However, no supporting document is placed on record. Even otherwise, there is no resolution in favour of deponent duly authorized by the Petitioner Society to swear affidavit, therefore, this Writ Petition is also defective. However, still considering that this writ petition is pending for last more than 9 years and an interim order was also passed on 22.11.2016, whereby the effect and operation of the order dated 19.10.2016 was kept in abeyance, the impugned order is considered.

18. By way of impugned order dated 19.10.2016, list of office bearers of the Committee of Management of the year 2016-2017 submitted by the petitioner was approved and now by efflux of time and since term of said list of office bearers of Committee of Management has already expired, therefore, present writ petition has also rendered infructuous. Otherwise also, this writ petition is defective. Accordingly, **Writ Petition No.55196 of 2016**, is disposed of being infructuous as interim order has lived his life.

Writ Petition No.10388 of 2019

19. This writ petition was filed by Sri Babu Lal Gupta, Secretary, Board of Management, Balwant Educational Society, Agra through its Vice President, Sri Jitendra Pal Singh, Balwant Educational Society, Agra.

20. This writ petition is supported by an affidavit of one Sri Rais Pal Singh without disclosing his association either with the petitioner or with Balwant Educational Society, Agra in any manner except that he is a Pairokar. Affidavit states that 'Deponent is the Pairokar of the remaining petitioner in the aforementioned writ petition" and its only interpretation would

be that Sri Rais Pal Singh is one of the petitioner, which is not a correct position.

21. As referred above, said affidavit was filed in a very casual manner and since it is defective, this Writ Petition could be dismissed. However, still considering it is pending for last more than 6 years and this Court has passed an interim order dated 28.3.2019, whereby the operation of impugned order dated 17.12.2018 passed by the Deputy Registrar, Firms Societies and Chits Agra Region Agra was directed to be remain stayed, therefore, impugned order is perused.

22. By the impugned order dated 17.12.2018, the Deputy Registrar, Firms Societies and Chits Agra Region Agra, taking note of an interim order passed by this Court in other Writ Petition, has refrained to pass any order and allowed Sri Anirudh Pal Singh to work as a Vice President of the Society and as referred above, said legal impediment if any, now does not remains. However, considering that the Deputy Registrar, was considering a list of elected office bearers of the year 2017-2018 of a Society registered on 10.10.2015 having a life of 5 years, therefore, period of said elected Committee of Management has already expired, therefore, issue involved in the present case has no legal consequence, therefore, on both grounds that Writ Petition is defective and nothing left for adjudication, this writ petition is **disposed of** with an observation that interim order passed by this Court as referred above has lived his life.

Writ Petition No.18418 of 2023

23. This writ petition was filed by Sri Rais Pal Singh, Secretary, Board of Management, Balwant Educational Society, Agra through its Vice President, Sri Jitendra Pal Singh, Balwant Educational Society, Agra.

24. This writ petition is accompanied by an affidavit of one Sri Rais Pal Singh, who is one of the petitioner, therefore, writ petition is accompanied by a proper affidavit.

25. In the present writ petition orders dated 2.12.2022 and 20.2.2023, are being impugned whereby the District and Sessions Judge, Agra has authorized Anirudh Pal Singh to participate in the meeting of the Committee of Management as Vice President.

26. In the present case, following interim order was passed on 25.7.2023:

" 1. Heard Sri Amit Saxena, learned Senior Counsel assisted by Sri Suhail Ahmad Ansari, learned counsel for the petitioners and learned Standing Counsel for the State-respondent nos.1 and 5.

2. It has been stated by Sri Ashish Mishra, learned counsel that notice of this writ petition has wrongly been served upon him and he does not represent respondent no.2, who has been impleaded in the capacity of President of Balwant Educational Society, Agra. Appearance of Sri Mishra is therefore exempted from further proceedings in this case.

3. The submission of Sri Saxena is to the effect that as per the bye-laws of the Society, District and Sessions Judge, Agra is its ex officio President and Raja of Awagarh as Vice President. He submits that after the merger of the State in

the Indian Union and thereafter with the declaration of Republic of India under its Constitution, Rajas ceased to exist and, therefore, under the Rules of the Society, the eldest male member of the family of Raja Balwant Singh was to act as Vice-President and the said system was followed years after years.

4. He submits that insofar as the amendment in the bye-laws is concerned, it is clearly provided in Clause 16 that no resolution amending the bye-laws shall take effect till it is approved by the Government of U.P. Reference to various proceedings has been made including an order dated 28.03.2019 passed in Civil Misc. Writ Petition No.53773 of 2000. In the said writ petition challenge was made to rejection of approval by the State Government to the amendment made in the bye-laws, however, this Court, while dismissing the writ petition on 25.08.2011, clearly found that the order impugned was in consonance with Clause 16 of the memorandum. A special appeal was filed against the said order which was ultimately dismissed as withdrawn in the year 2016.

5. In the meantime, the petitioner no.2 was nominated as Vice-President under the order of the District Judge passed on 30.08.2011. It is contended that thereafter list of office bearers produced by the respondent side was finally approved by the Deputy Registrar, Agra against which two writ petitions were filed i.e. Writ - C No.55196 of 2016 and Writ - C No.10388 of 2019.

6. In both the writ petitions, the orders passed by the Deputy Registrar were stayed.

7. It is contended that both the writ petitions are pending and this Court has also taken cognizance of violation of

interim orders in contempt proceedings covered by Contempt Application (Civil) No.6324 of 2019 with a further submission that Deputy Registrar, Agra clearly communicated on 05.04.2022 that in his office there is no approved list of the Committee/Society.

8. It is contended that the District Judge, Agra has passed the orders impugned dated 02.12.2022 and 20.02.2023 permitting the respondent no.4 to preside the meeting of the Society in the capacity of Vice President merely by accepting the request made by the said respondent.

9. It is further contended that though there was no justification for the District Judge, Agra to issue such orders on mere asking by the respondent no.4, the said respondent, at the strength of the same is acting as Vice-President of the Society which act on his part is contrary to the final and interim decisions taken by this Court in the above referred proceedings.

10. There being no dispute about the fact that the District Judge, Agra acts as President of the Society, considering the above arguments advanced, various interim and final orders passed by this Court in consonance with Clause 16 of the memorandum, the matter requires consideration.

11. Issue notice to respondent nos.2, 3 and 4, returnable within four weeks.

12. Respondents may file counter affidavits within six weeks. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.

13. List on 20.09.2023 along with Writ - C No.55196 of 2016 and Writ - C No.10388 of 2019 before the appropriate Bench.

14. As an interim measure, until further orders, it is directed that the District Judge, Agra shall exercise his control over the office of the Society in the capacity of President as per the bye-laws and the respondent no.4 shall not be allowed to function as Vice President."

27. As referred above, due to interim order passed by this Court, presently there is no elected Committee of Management. Even there is a dispute of Vice President between Sri Jitendra Pal Singh and Sri Anirudh Pal Singh family members of Late Balwant Singh, Raja of Awagarh Estate.

28. It appears that without taking note of above referred interim order passed by this Court, a list of office bearers of Committee of Management headed by petitioner was presented before Registrar on 13.5.2021 to renew it from 10.10.2020 to 10.10.2025 and subsequently, the Registrar has passed an order dated 21.6.2025 whereby following order was passed:

"आदेश

अतः वर्तमान में संस्था में मा० उच्च न्यायालय में दायर याचिकाओं में पारित आदेशों के द्वष्टिगत/समादर में तथा याचिकाओं के अधीन प्रकरण में उद्भभूत आपत्तियों का निस्तारण के क्रम में निम्न आदेश पारित किये जाते हैं:-

1. डॉ० रईशपाल सिंह के द्वारा प्रस्तुत बैठक की कार्यवाही दिनांक 05.06.2022 के आधार पर प्रबन्ध समिति की सूची 2022-23 को पंजीकृत करने का आवेदन, पंजीकृत नियमावली के प्रावधानों के अनुसार बैठक आहुत नहीं होने, बिना किसी विधिक अधिकारिता के बैठक आहुत दर्शाने कथित बैठक में संस्था से बाहरी व्यक्तियों (Rank outsiders) को सम्मिलित दर्शाने, के कारण उस पर कोई कार्यवाही अद्योहस्ताक्षरी के स्तर से किया जाना अपेक्षित नहीं है। तदनुसार एततद्वारा डॉ० रईशपाल सिंह के द्वारा कार्यालय में आवेदन दिनांक 06.06.2022 के साथ प्रस्तुत बैठक की कार्यवाही दिनांक 05.06.2022 को निरस्त किया जाता है।

2. संस्था के पदेन अध्यक्ष के कथित आदेश दिनांक 30.08.2011 के द्वारा श्री जितेन्द्र पाल सिंह की उपाध्यक्ष पद पर नियुक्ति/मनोनयन किये के दावे का खण्डन स्वयं तत्कालीन जिला जज आगरा/पदेन अध्यक्ष वर्तमान में सेवानिवृत्त न्यायाधीश मा० उच्च न्यायालय इलाहाबाद श्री सुरेन्द्र कुमार के द्वारा किया गया है। संस्था की पंजीकृत नियमावली में पदेन अध्यक्ष/जिला जज आगरा को प्रबन्धकारिणी में किसी भी व्यक्ति को उपाध्यक्ष सहित किसी भी पद पर नियुक्ति/मनोनयन का कोई अधिकार नहीं है। इस आधार पर श्री

जितेन्द्र पाल सिंह संस्था से नितांत बाहरी व्यक्ति है। तब कूटरचित व फर्जी आदेश दिनांक 30.08.2011 से उपाध्यक्ष पद पर श्री जितेन्द्र पाल सिंह की कथित नियुक्ति/मनोनयन को आधार मानकर उनकी अध्यक्षता में बाहरी व्यक्तियों को सम्मलित कर दर्शायी गयी फर्जी बैठकों पर कोई कार्यवाही किये जाने का विधिक आधार नहीं है। तदनुसार एततद्वारा श्री जितेन्द्र पाल सिंह के द्वारा कार्यालय में प्रस्तुत बैठकों/आवेदनों को निरस्त किया जाता है।

3. डा० रईशपाल सिंह भी संस्था द्वारा संचालित महाविद्यालय का वर्ष 2004 से लाइब्रेरियन पद से सेवानिवृत्त पैशनभोगी कर्मचारी है। प्रबन्ध समिति के द्वारा डा० रईशपाल सिंह को कभी सदस्य नहीं बनाया गया है, डा० रईशपाल सिंह का सोसाइटी की प्रबन्ध समिति से कोई सम्बन्ध व सरोकार स्थापित नहीं होने के कारण एततद्वारा डा० रईशपाल सिंह के द्वारा कार्यालय में प्रस्तुत बैठक के आधार पर सूची पंजीकृत हेतु किये गये आवेदनों/शिकायतों को निरस्त किया जाता है।

4. जहाँ तक संस्था की प्रशासनिक एवं वित्तीय गतिविधियों पर कार्यालय के आदेश दिनांक 12.06.2020 के आधार पर रोक लगाये जाने का विषय है, उक्त संस्था की गतिविधियों का संचालन वर्तमान में मा० उच्च न्यायालय में विचाराधीन याचिका सं० 18418/2023 में पारित आदेश दिनांकित 25.07.2023 के अनुपालन में जनपद न्यायाधीश आगरा/पदेन अध्यक्ष के स्तर से संचालित होने के कारण कार्यालय के आदेश दिनांक 12.06.2020 का कोई विधिक अस्तित्व/प्रभाव नहीं रह गया है। अतः संस्था की गतिविधियों में किसी हस्तक्षेप की आवश्यकता नहीं है।

5. संस्था में वित्तीय अनियमितताओं की शिकायतों पर निस्तारण, सोसाइटी पंजीकरण अधिनियम 1860 के प्राविधानों के तहत उ०प्र० सरकार के सम्प्रेक्षक से कराये जाने के प्रथक से आदेश निर्गत किया जायेगें।"

29. Life of aforesaid Committee of Management has also expired, therefore, the order passed passed by Deputy Registrar, whereby the Committee of Management of the Society for the year 2022-2023 submitted by Sri Rais Pal Singh and the authorization of Sri Jitendra Pal Singh as Vice President was rejected purportedly on the ground that no such permission was granted by the District and Sessions Judge, Agra vide order dated 30.8.2011, now has no legal consequence.

30. Court finds that once multiple litigations were pending before this Court and there were various interim orders passed by this Court, the Deputy Registrar has no power to consider any such objections only on basis of a denial of signature by the then District and Sessions Judge, without much material and

supporting documents. However, the said order dated 21.6.2025 is not impugned before this Court.

31. Court takes note of it and finds that act of Deputy Registrar was contrary to the law and against interim orders passed by this Court, specifically when such earlier attempts were stayed by this Court and this writ petition which is of the year 2023 is now finally decided by the present judgment.

32. Today, there is no valid Committee of Management of the Society as well as Board of Management of Balwant Educational Society, Agra and only reason is the fight between two brothers, admittedly belongs to a legacy of late Raja Balwant Singh of Awagarh Estate as they want to enjoy fruits of the property acquired by their forefathers without doing any good work for the society at their own, rather they still want to carry a tag of 'Raja', which does not exist.

33. In the present scenario, Court finds that use of words like 'Raja' and 'Rajkumar' are prohibited and recently the Supreme Court has also objected use of such words. It appears that both the brothers are not interested to carry out the work of Society. Even an attempt to reconcile the dispute undertaken by this Court was failed as both brothers are not even in talking terms.

34. In the aforesaid circumstances, Court also considers an argument that who could be the Vice President of the Board of Management in terms of Codicil of 1901 and bye-laws of the Society.

35. As referred above, according to bye-laws of the Society, Raja of Awagarh Estate would be the member of Board of Management and by virtue of it, he will be the Vice President.

36. Sri Ashok Khare, learned Senior Counsel has vehemently referred Codicil of 1901, specifically paragraph no.2 of it, which at the outset was opposed by the learned counsel for the respondents and the Court also finds that since only two pages of it are annexed in the present case and entire codicil is not annexed, therefore, effect of Clause 2 of said Codicil cannot be interpreted so much as the hierarchy will continue only with the eldest son of erstwhile Raja.

37. Court is also of the view that referred clause 2 of Codicil is not being referred in the Rules or bye-laws of the Society of Balwant Educational Society, wherein specifically in terms of Clause 6 (1) (b) of Rules of the Society provides that whenever, the Raja is a minor the manager of the post for the time being. The Raja may nominate his major son to attend meetings in his absence and by virtue of it he would be the Vice President.

38. Today, there is no 'Raja' or 'King'. There is only a legacy and in absence of entire Codicil and the bye-laws of Balwant Educational Society, reliance placed by learned Senior Counsel appearing on behalf of petitioners has no legal consequence so much as to determine that who among the family would become Member of Board of Management and Vice President.

39. Presently dispute is amongst two cousin brothers i.e. Anirudh Pal Singh and Sri Jitendra Pal Singh. Their respective fathers were real brothers. However, Court has already taken note that

their relations are not cordial and due to their infight, loss is to the object of the Society registered way back in the year 1960.

40. Court also takes note of Clause 6 (4) of Rules that in the event of "the remaining members of the Board failing to elect a member to fill up the said vacancy within the period aforesaid, the State Government may appoint a person to fill up the said vacancy."

41. Court is also of the view that none of the family members of Raja of Awagarh Estate has come forward to take place as a Member of Board of Management, still Board of Management could survive on the basis of other members. For reference, constitution of the Board of Management and its sub-clause 6 and 7 are reproduced hereinafter: .

"6. Board of Management:

- (1) The Management, superintendence and governance of the Society and all its institutions shall vest in the Board of Management, composed of:-*
- (a) The District and Sessions Judge of Agra for the time being.*
- (b) The Raja of Awagarh Estate, provided that whenever the Raja is a minor the manager of the Estate for the time being. The Raja may nominate his major son to attend meetings in his absence.*
- (c) The District Inspector of Schools, Agra for the time being.*
- (d) The Civil Surgeon of Agra for the time being.*
- (e) The Principal of the Balwant Rajput Higher Secondary School, Agra for the time being.*
- (f) The Principal of the Balwant Rajput Higher Secondary School, Agra for the time being.*
- (g) One teacher of the Balwant Rajput College in order of seniority as judged by the length of service in the College. His term of membership shall be one year.*
- (h) An Old Boy of any of the institutions maintained by the Society to be elected by the Board of Management for a term of three years.*

(i) *Thirteen members to be elected by the Board of Management for a term of five years commencing from the date of appointment.*

Provided that in the event of a question arising as to whether a particular person is or is not an old boy of the institutions the decision of the Board of Management shall be final.

(2) *Any member appointed under sub-clause (h) or (I) of clause (1) not attending meetings of the Board for one year, shall be deemed to have vacated his office.*

(3) *In case a member of the Board resigns or otherwise ceases to be a member of the Board, the remaining members of the Board may, within three months of the office of a member falling vacant, or within such further time as the State Government may allow, elect another member to fill up the said vacancy.*

(4) *In the event of the remaining members of the Board failing to elect a member to fill up the said vacancy within the period aforesaid, the State Government may appoint a person to fill up the said vacancy.*

(5) *The first members of the Board of Management of the Balwant Educational Society shall be the same as may be members of the Committee of Management of the Balwant Rajput Educational Society on the day of the registration of the Balwant Educational Society:*

Provided that such of these members who had been chosen for a fixed term, shall retire on the expiry of that term.

7. (i) *President: The District and Sessions Judge, Agra for the time being shall be the president of the Board, Ex-officio.*

(ii) *Vice President: The Raja of Awagarh for the time being shall be the Vice-President provided that he is not a minor.*

(iii) *Secretary: The Secretary of the Board shall be elected by the Board from among its elected members for such period as the Board may fix.*

The Secretary shall keep a true and faithful record of the proceedings of all the meetings of the Board and shall, in books, to be kept by him enter or cause to be entered respectively on account of the Society.

(iv) *Joint Secretary: The Board may appoint a Joint Secretary from among its elected members. The Joint Secretary shall perform such duties as may be assigned to him by the Secretary from time to time in writing.*

42. In the aforesaid circumstances, since rival parties i.e. Anirudh Pal Singh and Sri Jitendra Pal Singh have not able to take a unanimous decision to come forward as one of them wants to become Member of Board of Management with mutual agreement, they are barred to interfere in the day to day working of Board of Management and they are barred from entering into the premises of the College since it is only a case of ego, which has resulted in filing of number of litigations before this Court within last more than a decade. No existence of tradition is brought on record that Vice President of Society would only be eldest son.

43. In aforesaid circumstances, State Government is directed to act and fill up the vacancies in terms of above referred clause of Board of Management. Meanwhile, the District and Sessions Judge along with District Inspector of Schools, Agra and Civil Surgeon Agra along with other members may continue to discharge obligations of Balwant Educational Society in terms of its Rules.

44. With heavy heart, this Court takes note of the observations made by a co-ordinate Bench of this Court wayback in the year 2011, that infight of family members is destroying basic and pious object of Balwant Educational Society set up by their forefathers.

45. Petitioner and Respondent ought to have carry forwarded their legacy to show their intent that despite they are not 'Raja' still they follow their legacy and carry forward it with sincerity and honesty.

46. Sri Anirudh Pal Singh and Sri Jitendra Pal Singh are directed to pay Rs.2 lakhs each from their Bank Account in the bank account of Balwant Educational Society to show their bonafide and interest to carry forward their legacy.

47. State Government is also directed to look into the affairs that in case any property or belongings of the society is sold contrary to the bye-laws of the Society, appropriate proceedings can be drawn against the members of the Society.

48. On the basis of above discussion, conclusion and directions are summarized hereinafter :-:

(i) Presently, there is no title such as 'Raja of Awagarh Estate', therefore, either of Aniruddh Pal Singh and Jitendra Pal Singh, cannot claim as a right a Member of Board of Management being 'Raja of Awagarh Estate' and accordingly either of them cannot claim as a right of 'Vice Presidentship' of the Board also.

(ii) Undisputedly, 'Balwant Educational Society' was formed from a trust formed by Late Raja Balwant Singh of Awagarh in 1901, therefore, to continue their legacy, one member of their family despite no one is 'Raja Awagarh Estate' still become a Member of the Board and Vice President of the Board.

(iii) It would always be better and in the interest of Trust and Society as well as of legacy, if both brother may take a considered and unanimous decision and manner to represent from the family in Board and to act as Vice President but due to long litigation and their estranged relation as shown in Court room, possibility of any agreed decision is very less.

(iv) Therefore, Court is proposing a solution which would be in the interest of the Board, family, legacy and longer participation that all brothers in an order from eldest to youngest (on basis of

date of birth) may become Member and Vice President for equal duration, during a term of 5 years i.e. if they are two brothers, they may become Vice President for 2½ years each. Elder son in first half and younger son in second half.

(v) Above arrangement shall come into force w.e.f. 01.12.2025 and accordingly, eldest brother Sri Jitendra Pal Singh will discharge responsibility of Member and Vice President for first 2½ and for remaining period of 2½ years, Aniruddh Pal Singh (younger brother) will discharge responsibility.

(vi) Any arrangement that eldest son (being only eldest son of eldest son of earlier generation would be Vice President) is not supported by any provision and if it was a custom, it would not continue in changed scenario that now there is no 'Raja'.

(vii) Further procedure for completion of Board shall commence independently thereafter, so that new list of members of Board of Management of Committee be forwarded before 01.01.2026 to Registrar concerned.

(viii) Directions made in paragraph 46 shall also be complied with before 01.01.2026.

49. With the aforesaid observations and directions, this writ petition is disposed of.

(Saurabh Shyam Shamshery, J.)

November 06.11.2025

SB