



*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Pronounced on: 26th February, 2026

THE YOUNG MENS CHRISTIAN ASSOCIATION OF
ERNAKULAM & ORS.Plaintiffs

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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

JUDGMENT

MINI PUSHKARNA, J.

I.A. 165/2026, I.A. 166/2026, I.A. 209/2026 & I.A. 210/2026

1. The present applications have been filed, *inter alia*, praying for setting aside of the order dated 29th December, 2025 passed by the learned Election Observer and seeking declaration that the meeting and decision of the Nomination Committee dated 03rd December, 2025, is illegal and without any authority.

2. At the outset, this Court notes that the prayers seeking clarification that the Election Observer shall be referred to as the Election Officer, as raised in *I.A. 165/2026 and I.A. 209/2026*, were deleted, *vide* order dated 06th January, 2026, in the following manner:

"I.A. 165/2026, I.A. 166/2026, I.A. 209/2026 & I.A. 210/2026

1. At the outset, learned Senior Counsel appearing for the applicants in I.A. 165/2026 submits that he has instructions to not press prayer no. (iv) of I.A. 165/2026. Prayer no. (iv) of I.A. 165/2026 reads as under:

"xxx xxx xxx"



iv. Pass necessary orders and directions thereby clarifying (sic) that Ld. Observer is appointed for conducting the forthcoming elections and decide the issue independently and Ld. Observer may be referred as "Election Officer".

xxx xxx xxx

2. Accordingly, at request of learned Senior Counsel appearing for the applicants in I.A. 165/2026, the aforesaid prayer (iv), is deleted.

3. Similarly, learned Senior Counsel appearing for the applicant in I.A. 209/2026 submits that he has instructions to not press prayer (c) of the said application. Prayer (c) of the I.A. 209/2026 reads as under:

"xxx xxx xxx

c) Clarify that the Observer appointed vide order dated 11.11.2025 shall himself function as Election Officer and shall independently conduct the elections in accordance with law;

xxx xxx xxx"

4. Accordingly, at request of learned Senior Counsel appearing for the applicant, prayer (c) of I.A. 209/2026 is also deleted.

xxx xxx xxx"

3. Further, this Court notes that prayer raised with respect to the candidatures of Mr. T. Suman Thyaharaj and Mr. Joshua Rajesh Lakhande in I.A 165/2026, has already been dealt by this Court *vide* order dated 18th February, 2026, by directing the learned Election Observer to consider the said objections before 25th February, 2026, and take an appropriate decision with regard thereto, in the following manner:

"xxx xxx xxx

12. Having heard learned counsels for the parties, this Court requests the learned Observer to consider the objections of the applicant with regard to the candidature of Mr. T. Suman Thyaharaj and Mr. Joshua Rajesh Lakhande, before 25th February, 2026, i.e., the last date of filing of the counter nominations, and appropriate decision be taken with regard thereto.

xxx xxx xxx

15. Needless to state that once an Observer has been appointed by this Court, the Observer shall ensure that the elections are held as per the Bye-Laws, and in case the learned Observer comes to a conclusion



that the candidature of Mr. T. Suman Thyaharaj and Mr. Joshua Rajesh Lakhande is improper, the natural corollary would be to pass appropriate orders in that regard, including, considering the decision of the Nomination Committee.

xxx xxx xxx”

4. Thus, for the purpose of the adjudication of the present applications, this Court is only concerned with the prayers raised in the present applications with respect to the validity of the order dated 29th December, 2025 of the learned Election Observer and decision of the Nomination Committee dated 03rd December, 2025.

5. Learned Senior Counsels appearing for the applicants submit that by way of the impugned order, the learned Election Observer has erred in upholding the decision of the Nomination Committee dated 03rd December, 2025. It is submitted that upon expiry of Mr. R.S. Shettian, i.e., the sole nominee for the post of the President, fresh nominations could have been invited only for the said post, and not for the other three posts of the Vice Presidents and one post of the Treasurer of the National Council of Young Men’s Christian Associations of India (“YMCA”). Thus, the decision of the Nomination Committee, as upheld by the learned Election Observer, to call for fresh nominations for all the five posts, is erroneous and violates the Memorandum of Association, Rules & Regulations, as incorporated in the Manual of Policies (“YMCA Constitution”), as amended and adopted on 28th December, 2014, by the YMCA.

6. It is submitted that by inviting fresh nominations for all the posts, the procedure as laid down in the YMCA Constitution has been varied, which cannot be allowed. It is further submitted that the procedure as laid down in Clause 8(a) of Article VI of YMCA Constitution, ought to have been



followed and the election ought to be conducted by calling for nominations from the members of the society attending the Ordinary General Meeting (“OGM”), only for the post of President.

7. Learned Senior Counsels for the applicants submit that as regards the other posts, the counter nominations ought to be invited only from the members in the list as already frozen on 17th October, 2025. Additional nominations received for four other posts, viz. three posts of Vice Presidents and one post of Treasurer, ought to be excluded. If such course of action is allowed, the same would amount to variation of the Constitution of the society, i.e., YMCA. Besides, the period of four months as prescribed in Clause 2(a) of Article VI of the YMCA Constitution is not being followed, as the said period has been reduced to three months.

8. In response, learned Senior Counsel appearing for the plaintiffs justifies the decision of the Learned Election Observer as well as the Nomination Committee, and submits that the same have been taken in terms of the YMCA Constitution. However, he submits upon instructions, that in order to maintain the time period of four months between the date when fresh nominations for elections have been invited and the elections, the date of submission of the nominations shall be extended till 25th March, 2026. Further, elections to the five posts of YMCA shall be postponed to 25th April, 2026.

9. Having heard learned counsels for the parties, it is to be noted that in the present case, the process for election to the posts of President, three Vice Presidents and the Treasurer, was initiated in terms of the YMCA Constitution, by appointment of a Nomination Committee on 27th August, 2025, in terms of Clause 1(a) and Clause 1(b) of Article VI of the YMCA



Constitution, which read as under:

“xxx xxx xxx

ARTICLE VI
Procedure for Election at the Convention

1. a) *The Executive Committee shall constitute a Nomination Committee consisting of five persons for the conduct of the election of the President, three Vice-Presidents and the Treasurer.*
- b) *The Nomination Committee shall be constituted at least six months before the date fixed for the Convention. One of them shall be appointed as Convener of the Committee.*

xxx xxx xxx”

10. In terms of Clause 1(c) of Article VI of the YMCA Constitution, the Nomination Committee, headed by Justice J. B. Koshy, former Judge of the Patna High Court, held its meeting on 11th September, 2025 to finalise the election schedule. Subsequently, a Circular dated 17th September, 2025 was issued by the Nomination Committee calling for nominations of candidates for election. In this regard, Clause 1(c) of Article VI of YMCA Constitution, reads as under:

“xxx xxx xxx

- c) *The National General Secretary in consultation with the Convener of the Nomination Committee shall within thirty days of appointment of the Nomination Committee, issue notice to the members of the Society calling for nominations of candidates for election.*

xxx xxx xxx”

11. Clause 2(a) of Article VI of the YMCA Constitution provides for the members of the society to send their nominations at least four months before the date fixed for the commencement of the Convention. The said Clause reads as under:

“xxx xxx xxx

2. a) *The members of the Society not in default and desiring to*



propose candidates for election from among its Full Members may send their proposals in the prescribed form duly filled up to the Convener, Nomination Committee in the address of the National office at least four months before the date fixed for the commencement of the Convention. The prescribed form is annexed to the constitution (annexure 1)

xxx xxx xxx”

12. Thus, the closing date for receipt of nominations from members of the society as per the original schedule of elections was 17th October, 2025.

13. In terms of Clause 2(b) of Article VI of the YMCA Constitution, the nominations were opened by the convenor of the Nomination Committee on 18th October, 2025. Subsequently, the copy of nominations was circulated to all members of the Nomination Committee on 18th October, 2025 itself.

14. Thereafter, the Nomination Committee held its meeting on 24th October, 2025 for scrutinizing all the nominations and for finalization of the proposal of the Nomination Committee by drawing up a list of candidates, who in the opinion of the Nomination Committee, were best suited for the respective offices, in terms of Clause 2(b) of Article VI of the YMCA Constitution.

15. The recommendation of the Nomination Committee was forwarded by the convenor of the Nomination Committee to the National General Secretary, with a copy to the President of the society, in terms of Article VI (3)(b) of the YMCA Constitution on 25th October, 2025. On receipt thereof, the National General Secretary circulated the recommendation by the Nomination Committee to members of the society, the Executive Committee and the Nomination Committee, on 27th October, 2025.

16. At this stage, it is pertinent to note that *vide* order dated 11th November, 2025, this Court appointed Justice (Retd.) Vikramajit Sen,



former Judge of Supreme Court of India, as Election Observer, in the following manner:

“xxx xxx xxx

6. Accordingly, Justice Vikramajit Sen, former Judge of Supreme Court of India, is appointed as an Observer to oversee the forthcoming elections of office bearers of National Council of YMCAs of India, with the following directions:-

- a. Review the list of member organisations, who have been either suspended or not allowed to participate in the elections and afford them an opportunity to rectify the shortcomings and enable their participation in the elections, as per the Rules;*
- b. Verify the lists of delegates being nominated by the various YMCAs organisations;*
- c. Call for any information that may be required to establish their genuineness as members of the said local organisations;*
- d. Draw up a final list of voters who would be entitled to vote on behalf of their various member organisations.*
- e. Scrutinise the eligibility of the persons nominated by the Nomination Committee in terms of the constitution of National Council of YMCAs of India/defendant no.1;*
- f. Scrutinise the counter nominations that may be filed in consultation with the Nomination Committee;*
- g. Interact with the member organisations in respect of the venue for the elections and if required, change the venue;*
- h. Conduct the elections in a free and fair manner and if required, by secret ballot;*
- i. Announce the final results.*

xxx xxx xxx”

17. However, subsequent thereto, the sole nominee for the post of President, i.e., Shri. R.S. Shettian, expired on 21st November, 2025.

18. In the meeting held on 01st December, 2025, the Election Observer noted that the YMCA Constitution does not contain any mechanism to deal with the death of a nominated candidate, and that the demise of Shri. R.S. Shettian constitutes an unprecedented procedural impasse. In view of this, the Election Observer directed the Nomination Committee to reconvene and



take an appropriate decision on the way forward.

19. In consequence thereof, the Nomination Committee by its meeting dated 03rd December, 2025, unanimously resolved to invite additional nominations from all Member Associations not in default as on 31st March, 2024, for submitting nominations for all the five posts, i.e., the posts of one President, three Vice Presidents, and one Treasurer of the National Council of YMCA for the term of 2026-2029.

20. The said decision of the Nomination Committee dated 03rd December, 2025, was discussed before the learned Election Observer in the meeting dated 13th December, 2025, and was upheld by the learned Election Observer *vide* order dated 29th December, 2025, in the following manner:

“xxx xxx xxx

7. I had directed the Nomination Committee to take its decision pursuant to these events, since I have been appointed as the Election Observer (in contradistinction to Election Officer) with regard to this Election. The relevant parts of the decision/resolution of the Nomination Committee reads as follows:

“ 4. a) Option for the post of President NCYI

The Committee discussed various options consequent upon the sudden demise of Mr. R.S. Shettian on 21/11/2025. There are the following three options open, as there is no specific provision in the NCYI Constitution to cover a situation when a candidate found more suitable by the Nomination Committee dies before the election:

i) Postponement and Fresh Nominations

The Representation of People Act provides that when a party candidate dies before the election, the election to that post shall be postponed to another date and fresh Nominations shall be called. However, such a course cannot be adopted in the present situation, as if the President is from a particular Region, other National Officers cannot be taken from that Region. If fresh notification is issued and a candidate from SWIR or YMCAs is found suitable, the Treasurer candidate already recommended by the Nomination Committee has to be removed. If this candidate is from SIR of YMCAs, the Vice-



President candidate from SI cannot be proposed. Further, if entire Nominations are called, the election cannot be conducted because it has to be completed before February 27, 2026. In view of clause 2 (a) of Article VIII of the NCYI Constitution.

ii) Call for Floor Nominations in the General Meeting

This option was considered to present significant practical difficulties, as there are more than 1500 delegates, and many may contest. Preparation of Ballot papers and related matters would therefore be extremely difficult. Further there is no contingency that election cannot be conducted by following procedure.

iii) Selecting a Suitable Candidate from the Remaining Nominees

Notice was earlier issued calling for nominations from all Member Associations, and five persons filed valid Nominations for the post of President. One who was found more suitable has now passed away. Hence Nomination Committee may identify another suitable candidate from the remaining four persons. Since Mr. R.S. Shettian has submitted a Nomination for the position of President, it is possible that many individuals have not also filed nominations for other posts including that of President. The last date for filing Counter Nominations is up to January 25, 2026, providing sufficient time to conduct the Election. In view of regional representation, as per the clause 3 b, c of Article V. Nomination Committee can publish a new list of more suitable candidates for all posts. A final decision on selecting one of these options must be taken immediately.

5) Resolution

The Nomination Committee further deliberated on the most practical and equitable way to resolve the present situation and agreed that the existing Valid Nominations shall remain Valid. It was unanimously felt that it would be appropriate to provide an opportunity to other Member Associations, particularly those in the South-Central Region, and Mangalore YMCA as Mr. R.S. Shettian was the nominee from that Region and from that YMCA. The committee also felt that giving an opportunity exclusively for the Member Associations in South Central India Region will not be a practical solution since we need to consider the regional balance.

In consideration of this context, the Nomination Committee



decided to invite Additional Nominations from all Member Associations Not-in- Default as on 31/03/2024, as approved by the National Executive Committee on 12/04/2025, allowing a period of 15 days, i.e., up to Saturday, December 20, 2025, by 5:30 pm, for submitting Nominations, for the posts of one President, three Vice-Presidents (one below-30 years), and one Treasurer of The National Council of YMCAs of India, for the term 2026-2029.

Following the receipt of additional Nominations, the Nomination. Committee will scrutinize both the newly-submitted Nominations and those already received by the Nomination Committee, NCYI on or before 17/10/2025. Thereafter, the Nomination Committee will prepare its final Panel, which will be communicated to all Member Associations. An opportunity will then be provided to the concerned Nominees to file Counter Nominations on or before 25/01/2026.

The members present unanimously agreed to this proposal. Subsequently, the National General Secretary contacted the Election Observer, who granted freedom to the Nomination Committee to take an appropriate decision in the matter. The Election Observer expressed agreement with the Committee's resolution and approved the immediate issuance of a circular to all Member Associations Not-in-Default as on 31/03/2024, inviting Additional Nominations for the post of one President, three Vice-Presidents (one below-30 years), and one Treasurer of The National Council of YMCAs of India, for the term 2026-2029, on or before Saturday, December 20, 2025, by 5:30 pm.

8. This decision of the Nomination Committee has been found fault with and challenged before me. At the threshold it is clarified that I had permitted the Nomination Committee to decide on the course it considered proper, consequent on the demise of the presidential candidate nominated by it. This was decided in the Meeting held on 1st December, 2025 by me in the presence of all concerned. In that very meeting it was agreed that I would next convene on 13th December, 2025, which meeting was duly held and all interested parties were given an opportunity of being heard.

9. Article V of the MoA inter alia prescribes that the purpose of the OGM is "to elect the President, three Vice-Presidents, the Treasurer" all of whom "shall be from different Regions. For that purpose, the election of the President shall be first conducted, then of the Treasurer and lastly of the Vice-Presidents".



10. The aforementioned decision of the Nomination Committee has been assailed on the ground that Article VI (8) (a) should have been resorted to and followed by the Nomination Committee. However, this interpretation of the MoA does not appear to be correct because it does not expressly cover the happening of the demise of a candidate who has been nominated by the Nomination Committee.

11. If the election of the President cannot take place because of the demise of the sole candidate proposed by the Nomination Committee it is arguable that the entire election would be set at naught. Therefore, the subject election can be fully conducted by following the procedure adopted by the Nomination Committee. Fresh nominations will then be available for balloting along with existing counter nominations, if any. No mischief can be anticipated, in as much as the candidature of a fresh person for President can also be called for at the Convention itself, but with cumbersome consequences.

12. Since there is no provision in the MoA specifically dealing with the death of a candidate found suitable by the Nomination Committee, it is preferable not to countermand the entire election. Although it does not arise in this case, the Election could have continued had any counter-nominated person passed away.

13. It will be advisable and in good order for the Nomination Committee to also grant an opportunity and fixes a date for withdrawal of nominations /counter nominations.

xxx xxx xxx”

(Emphasis Supplied)

21. Perusal of the aforesaid decisions of the Nomination Committee dated 03rd December, 2025 and the learned Election Observer dated 29th December, 2025, which are the subject matter of challenge before this Court in the present applications, shows that the Nomination Committee considered the possible options available in case of demise of a proposed candidate, and then passed its resolution unanimously.

22. The Nomination Committee noted that nominations cannot be invited only for the post of the President, because if the region from where the new President is nominated coincides with the region from where the existing nominations for the Vice Presidents and the Treasurer have been



recommended, then the latter would have to be removed. This is in view of Clause 3(b) of Article V of the YMCA Constitution, which requires that the President, Vice Presidents and Treasurer shall be elected from different regions. In this regard, Clause 3(b) of Article V of the YMCA Constitution reads as follows:

“xxx xxx xxx

b) The President, the Vice-Presidents and the Treasurer shall be elected from different Regions. For that purpose, the election of the President shall be first conducted, then of the Treasurer and lastly of the Vice-Presidents.

xxx xxx xxx”

23. The Nomination Committee further noted that if entire nominations are called afresh, the election cannot be completed before 27th February, 2026. Further, the Nomination Committee considered the practical difficulties in calling for floor nominations in the General Meeting, as there are more than 1500 delegates, and many may contest. The Nomination Committee also considered selecting a suitable candidate for the post of President, from the remaining four nominations that had been originally filed for the post of the President. However, the Nomination Committee noted that since Shri. R.S. Shettian had submitted his nomination for the post of the President, it is possible that many individuals have not filed nominations for other posts, including, that of the President, from the region to which Late Shri. R.S. Shettian belonged.

24. After considering all these scenarios, the Nomination Committee unanimously resolved that the existing nominations shall remain valid, and additional nominations shall be invited from all Member Associations not in default as on 31st March, 2024, for all the five posts, i.e., President, three Vice Presidents and one Treasurer.



25. This Court further notes that the Election Observer *vide* order dated 29th December, 2025 upheld the decision of the Nomination Committee, while noting that on the demise of the sole nominee for the post of President, as proposed by the Nomination Committee, it cannot be said that the entire election cannot be conducted, and that it is not preferable to countermand the entire election. The Election Observer further noted that since fresh nominations will be available for balloting along with existing counter nominations, no mischief can be anticipated, in as much as the candidature of a fresh person for the post of the President can also be called for at the Convention itself.

26. This Court notes that the applicants have primarily argued that fresh nominations for all the posts could not have been invited, as the same violates the YMCA Constitution, and in particular, have relied upon Article VI(4)(a) of YMCA Constitution, which reads as under:

“xxx xxx xxx

4. a) Any member of the Society not in default who has proposed nomination/s under Article VI Item 2 (a) and desirous of making same nomination/s as counter nomination/s against the panel of the Nomination Committee may send such nominations in the prescribed form (annexure 2) duly filled up and supported by at least two other members of the Society not in default addressed to the Convener, Nomination committee in the address of the National office at least 30 days before the date fixed for the commencement of the General Body Meeting.

xxx xxx xxx”

27. Thus, by relying on Article VI(4)(a) of YMCA Constitution, it is the case of the applicants that fresh nominations could only be called for the post of the President, and not for the other remaining posts. As the nominations for the other posts, i.e., three posts of the Vice Presidents and one post of the Treasurer, had already been concluded, only those persons



who had proposed nominations for the said posts can file the counter-nominations. If fresh nominations are called for the remaining posts at this stage, then even the persons filing fresh nominations for the remaining posts would become eligible to file counter nominations.

28. This Court notes that the aforesaid Clause 4(a) of Article VI of the YMCA Constitution clearly stipulates that after a panel has been recommended by the Nomination Committee, who are in its opinion, best suited for the respective posts, other members of the society, who had already proposed nominations under Article VI (2)(a) of the YMCA Constitution, can send their counter nominations against the panel of the Nomination Committee. There is no ambiguity with the said Clause, and the said provisions are to be followed indisputably in the normal course of the election process.

29. However, in the present case, on account of the demise of the sole nominee for the post of President who had been recommended by the Nomination Committee, the election process, from the stage of inviting nominations from the members of the society, has been commenced *de-novo*, as per the decision taken by the Nomination Committee, as upheld by the learned Observer. Therefore, the provisions of Article VI(2)(a) of the YMCA Constitution, would not be applicable in the present set of facts and circumstances of the case.

30. Thus, this Court finds no fault in the decision of the Nomination Committee or the learned Election Observer regarding invitation of fresh nominations for all the posts. The said decision does not violate the YMCA Constitution, in any manner whatsoever.

31. This Court has perused the YMCA Constitution and there is no



specific provision dealing with the circumstance, as has arisen in the present case, wherein, a nominee candidate selected by the Nomination Committee has expired before completion of the election process. However, Article VI (8)(a) of the YMCA Constitution deals with a situation when elections cannot be conducted fully or partly, in accordance with the procedure laid down in Article VI.

32. It is to be noted that the procedure as laid down in Article VI of the YMCA Constitution has been fully followed by the Nomination Committee, till an exceptional situation arose after the demise of the sole nominee for the post of President, as recommended by the Nomination Committee in terms of Article VI(2)(b) of the YMCA Constitution. Thus, the decision of the Nomination Committee, as upheld by the learned Election Observer, to invite fresh nominations, cannot be faulted with.

33. Merely because the Nomination Committee has invited fresh nominations from the members of the society prior to the holding of the OGM, instead of calling for fresh nominations from the members of the society on the floor at the time of attending the said meeting, cannot be said to violate the YMCA Constitution, in any manner. As already noted, in view of the unprecedented circumstance of demise of the nominated President, decision has been taken to start the process afresh from the stage of inviting nominations from different members of the society, who are not in default. Thus, the procedure as adopted by the Nominated Committee is within its authority, and does not violate the YMCA Constitution, as contended by the applicants.

34. This Court also takes note of the submissions made by learned Senior Counsel appearing for the plaintiffs that the last date for receipt of fresh



nominations from members of the society shall be extended till 25th March, 2026 and elections shall be held on 25th April, 2026, in consonance with the timelines as prescribed in the YMCA Constitution.

35. Thus, in the present case, the elections are scheduled to be held on 25th April, 2026. Further, additional nominations for the five posts have already been invited and the last date for receipt of fresh nominations from members of the society stands extended till 25th March, 2026.

36. Accordingly, no merit is found in the present applications.

37. The present applications are consequently dismissed, except to the extent of the directions as passed by this Court in order dated 18th February, 2026 with regard to prayer (ii) in *I.A. 165/2026*.

**MINI PUSHKARNA
(JUDGE)**

FEBRUARY 26, 2026
Kr/Au/Ak/Sk