



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 31466 of 2025**

The Committee Of Management Janta Junior Basic  
Vidyalaya Samiti And Another

.....Petitioner(s)

Versus

The State Of U.P. And 3 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Kailash Nath Singh

Counsel for Respondent(s) : C.S.C., Gopal Krishna Mishra, Rahul Jain

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**Court No. - 37**

**HON'BLE KSHITIJ SHAILENDRA, J.**

1. Although a preliminary objection has been raised by Shri Rahul Jain, learned counsel for the respondents regarding maintainability of the present writ petition on the ground that against the registration of list under the order impugned, the petitioner has alternative remedy of filing an appeal before the Commissioner under Section 4(1-A) of the Societies Registration Act, 1860, *prima facie*, it appears that the Assistant Registrar has passed order impugned on account of the fact that in previous round of litigation, this Court has stayed its own order dated 01.08.2016 whereby the matter had been referred to the Prescribed Authority. Inability of the Assistant Registrar to adjudicate the matter and then adjudicating eitherway in favour of the respondents, needs examination.

2. In the light of the aforesaid facts, when the record of the connected writ petitions was perused, a dispute was raised by Shri Jain that the two writ petitions being Writ C No.35152 of 2016 and 35154 of 2016 were filed by the Committee of Management represented by one Vinay Kumar Singh, its alleged Manager and he is also arrayed as petitioner No.2.

3. Submission is that recall application was filed in the year 2017 and Vinay Kumar Singh has expired in the year 2022 and, therefore, there is no alive petitioner in the said two petitions and they are liable to be dismissed as abated.

4. Shri Ojha, to the contrary, submits that Committee never dies and

insofar as the death of Vinay Kumar Singh is concerned, his successor as per law would always be competent to pursue the *lis* may be in the form of the writ petition or in opposition to the recall application filed on this ground.

5. In view of the subsequent developments arising out of death of Vinay Kumar Singh, the client of Shri Ojha is directed to file fresh objections against the recall application in the two connected writ petitions meeting out the questions raised in the recall application and also the arguments based upon the plea of abatement of writ proceedings.

6. Such objections be filed within a period of **three weeks from today**.

7. Put up this case on **15.04.2026** as **fresh** along with connected matters.

**(Kshitij Shailendra,J.)**

**March 17, 2026**  
Jyotsana