

**(2014) 07 AHC CK 0288**

**In the Allahabad High Court**

**Case No :** Civil Misc. Writ Petition No. 37996 of 2014

Committee of Management

APPELLANT

Vs

State of U.P.

RESPONDENT

**Date of Decision :** 24-07-2014

**Acts Referred:**

Uttar Pradesh Intermediate Education Act, 1921 — Section 16A, 16A, 16A(7), 16A(7), 16B

**Citation :** (2014) 106 ALR 610 : (2015) 1 AWC 706 : (2014) 4 ESC 1923 : (2014) 3 UPLBEC 2219

**Hon'ble Judges :** Manoj Misra, J

**Bench :** Single Bench

**Advocate :** Ashok Khare and Uma Nath Pandey, Advocate for the Appellant; R.K. Ojha, Ashish Kr. Ojha and R.P. Mishra, Advocate for the Respondent

## Judgement

@DELETEUPPERDATA

Manoj Misra, J.—Heard Sri Ashok Khare, learned senior Counsel, assisted by Sri Uma Nath Pandey, for the petitioners; learned Standing Counsel for the respondents 1, 2 and 3; and Sri R.K. Ojha, learned senior Counsel, assisted by Sri Ashish Kumar Ojha and Sri R.P. Mishra for the respondents 4 and 5. In view of the nature of controversy involved and the order that is being passed, the learned Counsel for the respondents do not propose to file counter-affidavit and have agreed for disposal of the writ petition at this stage itself.

2. The relevant facts of the case are that in respect of Jai Kisan Inter College, Basti (hereinafter referred to as the institution), which is a recognized and aided institution governed by the provisions of U.P. Intermediate Education Act, 1921 (hereinafter referred to as the Act, 1921) as also the provisions of Act No. 24 of 1971, there had been a series of litigation relating to the management of the institution. The last undisputed election of the Management Committee was held on 6.1.2002 in which Ram Achal Mishra was elected as Manager, whose signature was attested by the District Inspector of Schools, Basti (hereinafter referred to as

the DIOS). Ram Achal Mishra, however, expired on 23.7.2004 and for the remaining term i.e. up to 5.1.2005, signature of Pankaj Kumar Mishra was attested vide order dated 7.9.2004. Thereafter, as the term of the Committee had expired, on 20.1.2005, the DIOS directed single operation of the account of the institution. The said order was challenged by Pankaj Kumar Mishra, vide Writ C. No. 7486 of 2005, taking a ground that under the Scheme of Administration there was a grace period of six months for the outgoing Committee to continue. It appears that in the said petition, initially, an interim order was passed but, thereafter, vide order dated 7.7.2005, Writ C. No. 7486 of 2005 was dismissed with a direction to the Regional Joint Director of Education (hereinafter referred to as the Joint Director) to appoint an independent Election Officer for getting fresh elections of the Committee of Management held. It was provided that the Election Officer so appointed would publish a tentative list of members of the General Body entitled to participate in the elections so as to invite objections thereon and, thereafter, would proceed to decide the objections by a reasoned order before finalizing the electoral college. It was further provided that the elections would be held strictly in accordance with law as well as the approved Scheme of Administration.

3. Pursuant to the direction given in Writ C No. 7486 of 2005, the Joint Director of Education appointed the DIOS as an Election Officer, who determined the electoral college, vide order dated 1.4.2011, after inviting objections to the tentative list of members of the General Body. In the said order (in paragraph 5 and 6, at page 117 of the paper book), the D.I.O.S. recorded a finding that respondent No. 4 (Vindhyachal Mishra) and respondent No. 5 (Vinay Shanker Mishra) failed to establish their membership. The respondent No. 4, however, challenged the order dated 1.4.2011 vide Writ C No. 22783 of 2011 which was dismissed, vide order dated 20.4.2011, with observation that as the elections have already been notified, it would not be appropriate to stall the elections and the grievance, if any, the petitioner had could be raised before the competent authority after the elections are held. Accordingly, on the basis of the electoral college determined by the D.I.O.S., as aforesaid, an Observer was appointed who convened the meeting and elections were held on 24.4.2011. In the election, Pankaj Kumar Mishra was elected as Manager and his signature was attested by order dated 27.4.2011.

4. Challenging the signature attestation order, Vinay Shanker Mishra (the respondent No. 5) preferred Writ C. No. 26516 of 2011, which was dismissed by this Court, vide order dated 6.5.2011, with observation that both parties may approach the Regional Level Committee. This order was subjected to challenge in Special Appeal No. 892 of 2011. The Division Bench did not interfere with the order passed by the learned Single Judge, however, it observed that if the appellant (i.e. writ petitioner of Writ C. No. 26516 of 2011) files objection before the Regional Level Committee, the same would be decided in accordance with law within a period of six weeks from the date it is filed.

5. Pursuant to the above direction, Vinay Shanker Mishra (respondent No. 5) filed objection before the Regional Level Committee. Sri Pankaj Kumar Mishra, the then Manager, raised a specific objection with regards to the maintainability of the objection on the ground that Vinay Shanker Mishra was not member of the General Body. However, the Regional Level Committee, by its order dated 25.3.2013, disapproved the election dated 24.4.2011 and set aside the order attesting signature of Sri Pankaj Kumar Mishra. The order dated 25.3.2013 was again subjected to challenge through Writ C. No. 19925 of 2013 which was allowed by order dated 17.4.2013 and the matter was remanded back to the Regional Level Committee for deciding the matter afresh. Consequent to the order dated 17.4.2013, the signature attestation order attesting the signature of Pankaj Kumar Mishra was restored by the Joint Director vide his order dated 9.5.2013. However, while the matter was under consideration of the Regional Level Committee, pursuant to the order dated 17.4.2013, Pankaj Kumar Mishra expired on 26.7.2013 and a resolution dated 11.8.2013 was passed by which the petitioner No. 2 was elected as Manager for the remaining term. Pursuant to the above resolution, papers were forwarded to the D.I.O.S., on which the D.I.O.S., vide order dated 4.9.2013, attested the signature of the petitioner No. 2 as Manager. The signature attestation order was challenged by the respondent No. 5 by two separate writ petitions being Writ C. No. 51085 of 2013 and Writ C. No. 52802 of 2013 and they were dismissed by orders dated 19.9.2013 and 30.9.2013 respectively. The Writ C. No. 52802 of 2013 was dismissed with liberty to the petitioners to approach the appropriate forum. On dismissal of the aforesaid writ petitions, the respondent No. 4 and sixteen others claiming themselves to be the members of the Society filed a Reference Application before the Prescribed Authority/Sub Divisional Officer, Harraiya, Basti for declaring the election proceedings dated 26.4.2011 and 11.8.2013 as invalid as also for accepting the list of office-bearers as also the members of the General Body submitted by respondent No. 4 on 10.11.2010. It appears that this Reference Application has been registered and is pending as Reference Application No. 5 of 2013 before the Prescribed Authority.

6 After having made an application before the Prescribed Authority, the respondent No. 4 filed Writ C. No. 61499 of 2013 against the order dated 4.9.2013 by which the signatures of petitioner No. 2 were attested by the D.I.O.S. It appears that this Writ C. No. 61499 of 2013 was filed without disclosing that two earlier writ petitions filed by the respondent No. 5, namely, Writ C. No. 51085 of 2013 and Writ C. No. 52802 of 2013 had already been dismissed. However, Writ C. No. 61499 of 2013 was disposed of giving liberty to the petitioners to approach the Regional Level Committee, who was required to examine the matter, in accordance with law.

7 It is the case of the petitioners that as the term of the Committee of Management was to expire on 24.4.2014, the Committee resolved to convene a meeting for holding elections and thereby authorized the petitioner No. 2 to take necessary steps for convening a meeting for election. It is the case of the

petitioners that a request was sent to the D.I.O.S., Basti to provide an Observer for the elections to be held on 23.2.2014. On the application of the petitioners, the DIOS passed an order dated 28.1.2014 observing therein that as the application was not accompanied by a list of members of the General Body duly certified by the Assistant Registrar, Chits, Firms and Society, Gorakhpur, and as the dispute with regards to the members of the General Body is pending, no useful purpose would be served by holding the elections therefore the Observer cannot be appointed. After observing as above, the DIOS directed the petitioners to first obtain a list of members duly certified by the Assistant Registrar and then hold elections with a warning that if elections were held in violation of the directions, then the proceedings to appoint an Authorized Controller will be initiated.

8. The order dated 28.1.2014, was challenged by the petitioners by filing Writ C. No. 9210 of 2014 in which, on 13.2.2014, following order was passed:

"The grievance of the petitioners is that the Committee of Management, the petitioner No. 1, of the institution in question is recognised by the District Inspector of Schools and has completed its term. The Manager of the institution Sri Pankaj Kumar Mishra unfortunately died in the office. In his place, the petitioner No. 2 was elected as Manager and his signatures have been attested by the District Inspector of Schools vide order dated 4.9.2013. A copy of the said order dated 4.9.2013 passed by the District Inspector of Schools is on the record as annexure-13 to the writ petition.

It is contended by the learned Counsel for the petitioners that under the Scheme of Administration the term of office bearers is 3 years and before the term is over, a request has been made to the District Inspector of Schools to send an Observer for holding fresh election. In response to the said request, the District Inspector of Schools has passed an order dated 28.1.2014, wherein he has asked the petitioners to produce a certified copy of the list of members of the General Body registered in the office of the Assistant Registrar, and has further stated that the dispute with regard to office-bearers of the Committee of Management is pending. On said two grounds, he has refused to permit the petitioners to hold the election. Said order dated 28.1.2014 is impugned in this writ petition.

Heard Sri Uma Nath Pandey, learned Counsel for the petitioners, learned Standing Counsel, who has accepted notices and appeared for the respondents, and Sri M.C. Chaturvedi, learned Advocate, who has put in appearance on behalf of the caveator-Sri Vindhyachal Mishra.

Sri Uma Nath Pandey submits that indisputably the petitioner No. 1-Committee of Management is a recognised Committee of Management and Clause-19 of the Scheme of Administration provides that the election is to be held before three months of expiry of the term.

Sri Chaturvedi submits that Sri Vindhyachal Mishra had challenged the attestation of signature of the petitioner No. 2 by means of Writ-C No. 61499 of

2013 (Vindhyachal Mishra and another v. State of U.P. and others), which was disposed of by this Court vide order dated 11.11.2013 with a direction to the Regional Level Committee to decide the representation of the petitioners therein. He submits that the matter is still pending consideration before the Regional Level Committee. Sri Chaturvedi could not point out any provision under the Societies Registration Act, 1860 which requires that the Assistant Registrar shall maintain a list of the General Body of the Society nor learned Standing Counsel has pointed out any such provision.

Against this background, the matter needs consideration.

Learned Standing Counsel may file counter affidavit within two weeks. Rejoinder affidavit, if any, may be filed within three days thereafter.

List this case on 19.3.2014.

Having regard to the facts and circumstances of the case, it is provided that till the next date of listing the effect and operation of the impugned order dated 28.1.2014, annexure-1 to the writ petition, passed by the District Inspector of Schools, Basti shall remain stayed."

9. Pursuant to the order dated 13.2.2014, the DIOS appointed an Observer, vide order dated 22.2.2014, for the election meeting scheduled on 23.2.2014. Thereafter, according to the case of the petitioners, election was held on 23.2.2014 in the presence of 26 members out of a total of 32 alive members of the General Body and the papers were forwarded to the DIOS for approval. According to the petitioners' case, the petitioner No. 2 was elected as Manager and Babu Ram Gupta was elected as Vice-President. On the papers, so forwarded, the DIOS, vide his order dated 12.3.2014, attested the signatures of the petitioner No. 2. Against the signature attestation order, the respondent No. 4 filed Writ C. No. 18848 of 2014 before this Court, which was disposed of, vide order dated 4.4.2014, with a direction to the Joint Director to send the matter to the Regional Level Committee which was required to examine the matter and pass appropriate order after hearing the parties. The order dated 4.4.2014 was subjected to challenge before the Division Bench of this Court in Special Appeal No. 425 of 2014, which was disposed of with an observation that all the objections may be raised before the Regional Level Committee including objection with regards to the validity of the election held on 23.2.2014 and that the Regional Level Committee would examine the matter and pass appropriate orders.

10. Pursuant to the directions given by this Court, the respondent No. 4 filed an objection before the Regional Level Committee to which the petitioners filed their reply including a preliminary objection with regards to the membership of the respondents 4 and 5.

11. By the impugned order, the Regional Level Committee set aside the signature attestation order of the petitioner No. 2 and appointed the Principal of

Government Inter College, Basti as an Authorized Controller on the ground that Vindhyachal Mishra (respondent No. 4) and Sri Vinay Shanker Mishra (respondent No. 5) have raised objection with regards to eligibility of Shivanshu Mishra (petitioner No. 2) for being elected as Manager on the ground that he is not even member of the General Body and likewise, Vinay Shanker Mishra has also challenged the membership of Vindhyachal Mishra and that as, admittedly, a dispute with regards to the membership of the General Body was pending before the Up Zila Adhikari/Prescribed Authority, Harraiya, Basti, therefore, it was not proper to hold election till the said dispute is settled by the Prescribed Authority. Accordingly, it was concluded that till the dispute with regards to the membership of the General Body is not finally adjudicated by the Prescribed Authority, there should be an Authorized Controller to manage the affairs of the institution.

12. The learned Counsel for the petitioners has assailed the impugned order, inter alia, on the ground that mere pendency of a dispute before the Prescribed Authority with regards to the membership of the Society, cannot be a ground not to recognize a duly held election because the institution is governed by its own approved Scheme of Administration which provide for the constitution of a Committee of Management vested with authority to manage and conduct the affairs of the institution. It has been urged that Section 16-A of the Act, 1921 begins with a non obstinate clause providing that notwithstanding anything in law, document, or decree or order of a Court or other instrument, there shall be a scheme of administration for every institution. The scheme of administration shall amongst other matters provide for the constitution of a committee of management vested with authority to manage and conduct the affairs. Sub-section (7) of Section 16-A of the Act, 1921 provides that whenever there is a dispute with respect to the management of the institution, persons found by the Regional Deputy Director of Education, in actual control of its affairs, for purposes of the Act, 1921, be recognized to constitute the Committee of Management of such institution until a Court of competent jurisdiction directs otherwise. It was submitted that for the proper functioning of a recognized institution and to ensure that the management is carrying on its obligations under the Act, 1921, it is necessary that the dispute in respect of the management must be resolved expeditiously by an authority constituted for that purpose under the Act, 1921. It has been urged that civil rights of persons claiming to represent the management are to be left to be determined finally by Courts of competent jurisdiction, but till that decision is rendered, the Regional Deputy Director of Education exercising his powers under Section 16-A(7) of the U.P. Intermediate Education Act, who is now to be assisted by the Regional Level Committee, has to determine the dispute for himself so that the case of the students and teachers or employees of the Institution does not suffer by continuing uncertainty or impasse. It has been submitted that the Societies Registration Act deals, inter alia, with the resolution of disputes with respect to election of the office bearers of a registered Society. The power of the Registrar

or the Prescribed Authority to determine the disputes in respect of the election of the office bearers of the Society, as distinct from the managing committee of the institution run by that Society, operates in an altogether different field from that with which the Regional Director is concerned. It has been urged that two enactments, namely, the Act, 1921 and the Societies Registration Act operate in distinct fields. There is no overlapping between the two. It has been urged that Act, 1921 is a complete code by itself in so far as the constitution of the Committee of Management of recognized institutions and the disputes pertaining to the management of Institution are concerned. It has, therefore, been urged that mere pendency of a dispute relating to the Society before either Prescribed Authority or the Assistant Registrar cannot be a ground for the Regional Level Committee to discard the election of a Committee of Management which is, otherwise, in accordance with the Scheme of Administration. It has also been urged that the Prescribed Authority while adjudicating the matter under Section 25(1) of the Societies Registration Act, has to decide the matter in a summary manner, which means that the decision of the Prescribed Authority is subject to the final adjudication by a Civil Court of competent jurisdiction meaning thereby that even the decision of the Prescribed Authority does not finally determine the rights of the parties. It has been submitted that the Regional Level Committee has been constituted under a Government Order to assist in performance of functions which are required to be performed under Section 16A(7) of the Act, 1921, therefore, the scope of the power of the Regional Level Committee is determined by Section 16-A(7) of the Act, 1921. It has been submitted that under sub-section (7) of Section 16-A, the Regional Deputy Director of Education has to decide the dispute with respect to the management of an institution on the basis of actual control of its affairs and while deciding the question of actual control over the affairs of the institution, the question of validity of the elections is to be determined on prima facie satisfaction on the basis of material placed before it. It has been submitted that a decision either under sub-section (7) of Section 16-A of the Act, 1921 or under Section 25(1) of the Societies Registration Act has not been attached finality, therefore, the decision not to accord recognition only because there is a dispute pending before the Prescribed Authority cannot be justified.

13. Learned Counsel for the respondents, submitted that as the membership of the petitioners as well as of the respondents are disputed and the matter with regards to the membership is under consideration before the Prescribed Authority, therefore, the Regional Level Committee was legally justified in not deciding the matter on merits and in appointing an Authorized Controller.

14. Having considered the submissions of the learned Counsel for the parties, before assessing the merit of the respective submissions, it would be useful to examine some of the relevant provisions of the Act, 1921. Section 16-A of the Act, 1921 provides that notwithstanding anything in law, document, or decree or order of a Court or other instrument, there shall be a Scheme of Administration for every institution, whether recognized before or after the commencement of

the Intermediate Education Act. The Scheme of Administration amongst other matters has to provide for the constitution of the Committee of Management vested with the authority to manage and conduct the affairs of the institution. Sub-section (6) of Section 16-A provides that every recognized institution shall be managed in accordance with the Scheme of Administration framed under and in accordance with sub-section (1) to sub-section (5) of the said Section and Section 16-B and Section 16-C. Section 16-CC of the Act provides that a Scheme of Administration in relation to an institution, whether recognized before or after the commencement of the Intermediate Education (Amendment) Act, 1980, shall not be inconsistent with the principles laid down in the 3rd Schedule. The 3rd Schedule provides the principles on which approval to a Scheme of Administration shall be accorded. It provides that every Scheme of Administration shall provide for proper and effective functioning of the Committee of Management. It shall also provide for the procedure for constitution of the Committee of Management by periodical elections. Sub-section (7) of Section 16-A provides that whenever there is a dispute with respect to the management of an institution, persons found by the Regional Deputy Director of Education, upon such enquiry as is deemed fit, to be in actual control of affairs may, for the purposes of the Act, 1921, be recognized to constitute the Committee of Management of such institution until a Court of competent jurisdiction directs otherwise. The proviso to sub Section (7) of Section 16-A provides that the Regional Deputy Director of Education shall, before making an order under the aforesaid sub-section, offer reasonable opportunity of hearing to the rival claimants to make representations in writing. The Explanation to subsection (7) of Section 16-A provides that in determining the question that who is in actual control of affairs of the institution, the Regional Deputy Director of Education shall have regard to the control over the funds of the institutions and over the administration, the receipt of income from its properties, the Scheme of Administration approved under sub-section (5) and other relevant circumstances.

15. The provisions of sub-section (7) of Section 16-A came for consideration before a Full Bench consisting of five Hon"ble Judges of this Court in the case of Committee of Management and another v. Regional Deputy Director of Education, Agra and others, 2004 (57) ALR 405, where, in paragraph 34 of the report, the Full Bench answered the questions as follows:

"38. Accordingly, we answer the questions as follows.--(1) The Regional Deputy Director of Education, while deciding a dispute under Section 16-A(7) of U.P. Intermediate Education Act, 1921, exercises quasi-judicial powers and not purely administrative powers.

(2) The Regional Deputy Director of Education while deciding a dispute under Section 16-A(7) of the U.P. Intermediate Act, 1921, must decide the question of validity of the elections prima facie, in deciding the question of actual control over the affairs of the institution.

(3) Where the Regional Deputy Director of Education finds that the election of both the rival Committees are invalid, he is not required to decide the question of actual control to recognize one or the other Committee of Management, and instead he shall, where the Scheme of Administration provides for appointment of an Administrator (Prabandh Sanchalak), appoint an Administrator with the direction to hold elections expeditiously in accordance with the Scheme of Administration, and where there is no such provision in the Scheme of Administration he shall appoint an Authorised Controller who shall expeditiously hold elections of the Committee of Management and shall manage the affairs of the institution until a lawfully elected Committee of Management is available for taking over the Management."

16. The provisions of Section 16-A(7) has been supplemented by Government Order dated 19.12.2000 and subsequent Government Order dated 20.10.2008. The Government Order dated 19.12.2000 makes a provision for a three member committee, which is known as the Regional Level Committee, headed by the Joint Director to assist the authority to take a decision required to be taken under sub Section (7) of Section 16-A of the Act, 1921. Subsequent Government Order dated 20.10.2008 modified the same to the extent that in the event of there being no dispute or legal impediment, the District Inspector of Schools can proceed to pass an appropriate order for recognition. In Committee of Management, Aley Girls Inter College, Amroha, J.P. Nagar and another v. State of U.P. and others, 2011 (6) AWC 6510, a Division Bench of this Court, in paragraph 15 of the report, observed that the Government Orders dated 19.12.2000 as well as 20.10.2008 have to be interpreted in a manner so that it may effectuate the statutory scheme as laid down in Section 16-A(7). It was observed that the Government Orders cannot be read in a manner to dilute the statutory scheme.

17. It is thus clear that the Regional Level Committee, which has been constituted under the Government Order dated 19.12.2000 is to assist the authority in carrying out the functions enjoined upon it by sub-section (7) of Section 16-A of the Intermediate Education Act.

18. It has already been noticed above that a full bench of this Court took the view that while exercising the powers under sub-section (7) of Section 16-A, the authority has to decide the validity of elections on prima facie assessment, which necessarily means that any such assessment is subject to final adjudication by a Court of competent jurisdiction, as would be clear from the provisions of sub-section (7) of Section 16A. The Court of competent jurisdiction necessarily means a Civil Court and not the Prescribed Authority as contemplated by Section 25 of the Societies Registration Act, inasmuch as, sub-section (1) of Section 25 of the Societies Registration Act, only enables the Prescribed Authority to decide the dispute in a summary manner, as would be clear from a bare reading of the provision, which provides as follows:

"25. Dispute regarding election of office-bearers.--(1) The prescribed authority may, on a reference made to it by the Registrar or by at least one-fourth of the

members of a society registered in Uttar Pradesh, hear and decide in a summary manner any doubt or dispute in respect of the election or continuance in office of an office-bearer of such society, and may pass such orders in respect thereof as it deems fit:

Provided that the election of an office-bearer shall be set aside where the prescribed authority is satisfied-

- (a) that any corrupt practice has been committed by such office-bearer; or
- (b) that the nomination of any candidate has been Improperly rejected; or
- (c) that the result of the election in so far it concerns such office-bearer has been materially affected by the improper acceptance of any nomination or by the Improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non-compliance with the provisions of any rules of the society.

Explanation I.--A person shall be deemed to have committed a corrupt practice who, directly or indirectly, by himself or by any other person-

- (i) includes, or attempts to induce, by fraud intentional misrepresentation, coercion or threat of injury, any elector to give or to refrain from giving a vote in favour of any candidate, or any person to stand or not to stand as, or to withdraw or not withdraw from being a candidate at the election;
- (ii) with a view to inducing any elector to give or to refrain from giving a vote in favour of any candidate, or to inducing any person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate at the election, offers or gives any money, or valuable consideration, or any place of employment, or holds out any promise of individual advantage or profit to any person;
- (iii) abates (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (i) and (ii);
- (iv) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is Interested, will become or will be rendered an object of divine displeasure or spiritual censure;
- (v) canvasses on grounds of caste, community, sect or religion;
- (vi) commits such other practice as the State Government may prescribe to be a corrupt practice.

Explanation II.--A "promise of individual advantage or profit to a person" includes a promise for the benefit of the person himself, or of any one in whom he is interested.

Explanation III.--The State Government may prescribe the procedure for hearing and decision of doubts or disputes in respect of such elections and making provision in respect of any other matter relating to such elections for which

insufficient provision exists in this Act or in the rules of the society."

19. The purpose of providing for a forum to settle management disputes under sub-section (7) of Section 16-A of the Act, 1921 is to ensure that the functioning of an institution is not disrupted merely on account of disputes raised by rival claimants. It is for this reason that the legislature in its wisdom required the authority to decide the rival claims for the purposes of the Act, 1921, making it subject to adjudication by a Civil Court. A full bench of this Court though held that in deciding the question of actual control over the affairs of the institution, the question of validity of the elections have to be decided *prima facie*, but that does not mean that if an election dispute is pending at some other forum, the authority would have to refrain itself from deciding the question which it is enjoined upon to decide under the provisions of Act, 1921, unless there is any legal impediment in doing so. Even otherwise, the Act, 1921 is a complete Code by itself in so far as the constitution of the Committee of Management of recognized institutions and the disputes pertaining to the management of the institution are concerned (vide paragraph 4 of the decision by a Division Bench of this Court in the case of Committee of Management Hindu Inter College, Kosi Kalan & others v. Regional Deputy Director of Education, Agra & others, 1988 UPLBEC 732. Therefore, mere pendency of a dispute amongst rival claims before the Prescribed Authority under the provisions of the Societies Registration Act cannot be made a ground for the Regional Level Committee to lay its hands off from adjudicating rival claims and pass appropriate orders as is required to be done under the Government Orders read with sub-section (7) of Section 16-A of the Act, 1921. It is only in exceptional cases where the Regional Level Committee comes to a conclusion that none of the elections, as set up, is valid, then it can recommend for appointment of an Authorized Controller or Prabandh Sanchalak, if provided so by the Scheme. In view of the discussion made above, the impugned order cannot be sustained. The writ petition is, therefore, allowed. The order dated 15.7.2014 (Annexure 1 to the writ petition) is set aside. The matter is remanded back to the Regional Level Committee to decide the matter, afresh, in accordance with law, preferably, within a period of six weeks from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned.