



2025:DHC:8745



\$~87

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 26<sup>th</sup> September, 2025**+ **W.P.(C) 15136/2025 & CM APPL. 62153/2025****DAYAL KUMAR NANDI & ORS.**

.....Petitioners

Through: Mr. Anish Roy, Mr. Chandrakant  
Tiwari, Advocates (M:9717006365)

versus

**GOVT OF NCT OF DELHI & ORS.**

.....Respondents

Through: Mr. Anukul Raj, Ms. Nikita Raj, Mr.  
Tushar Bhalla, Mr. Naveen,  
Advocates for R-3 (M:7982855602)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral)**

1. The present writ petition has been filed with a prayer seeking directions for setting aside of the selection and results of the biennial election to the Governing Body of the Raisina Bengali School ("RBS") Society, for the term 2025-2027, with a further prayer for directions to respondent no. 2, to conduct fair and transparent elections to the aforesaid RBS society.
2. *Per contra*, learned counsel for respondent no. 3-RBS Society has handed over to this Court an order dated 19<sup>th</sup> January, 2018, passed by the Division Bench of this Court in *LPA No. 770/2017*, titled as "*The Governing Body Raisina Bengali School Society Versus Ashish Kumar Haldar & Anr.*"
3. By referring to the aforesaid order, it is the case of respondent no. 3



that the present writ petition would not be maintainable, and that the petitioner would have to approach a Civil Court in civil proceedings. Relevant portions of the order dated 19<sup>th</sup> January, 2018, passed by the Division Bench in the aforesaid case, reads as under:

“xxx xxx xxx

**The Court firstly notices that the body concerned is a Society; it is not public funded school, per se. It only receives maintenance grant for funding the salary of its teachers. In all other aspects, it is a private Society; its governance is controlled by its Constitution; it has membership of about 4000 individuals. In these circumstances, it would be unfeasible, having regard to the position of law with respect to judicial review to interfere with, what is plainly a privately managed Society. The Court in exercise of writ jurisdiction, so to say, can undoubtedly extend orders pertaining to the Co-operative Societies, since they are totally regulated by the Registrar of Co-operative Societies. However, with respect to Societies incorporated under the Societies Registration Act per se, unless, a public law element in terms of governance of concerned body is established to be that of public agency or a Government, the proceedings under Article 226 would not lie.**

**In the above view of the matter, this Court is of the opinion that, if, there are any grievances that the respondent/writ petitioner wishes to raise with respect to irregularity or illegality in the election(s), it is open for him to agitate in Civil proceedings. The Returning Election Officer is however at the same time directed to ensure that the election results are declared on 31.1.2018. It is made clear that this Court is not adjudicating upon the writ petitioner's/respondent's locus to file the petition in the circumstances of the case. The appellant had urged that the respondent is neither a member nor office bearer, and therefore, it was not open to the writ petitioner to approach this Court with respect to matters of internal governance of the Society.**

xxx xxx xxx”

(Emphasis Supplied)

4. Perusal of the aforesaid order clearly shows that the Division Bench has held in categorical terms that since the aforesaid Society is a privately managed society, the writ petition therein ought to approach the Court in



2025:DHC:8745



civil proceedings.

5. This Court further takes note of the Constitution of the respondent no. 3, wherein, it is clearly stated that the name of the Society is Raisina Bengali School Society, New Delhi.

6. Thus, the case of the present petitioners is covered by the aforesaid order passed by the Division Bench.

7. Accordingly, the present writ petition would not be maintainable.

8. Accordingly, the petitioners are granted liberty to agitate their issues in civil proceedings.

9. With the aforesaid liberty, the present writ petition, along with the pending application, is accordingly disposed of.

**MINI PUSHKARNA, J**

**SEPTEMBER 26, 2025/au**