



2026:AHC:24335-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 1195 of 2025

Reserved on- 06.01.2026

Delivered on- 04.02.2026

AFR

Dr. Sushil Kumar Sinha, President,
Kayasth Pathshala, Prayagraj

.....Petitioner(s)

Versus

The State of U.P. and 3 others

.....Respondent(s)

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| Counsel for Appellant(s) | : Anil Tiwari, Sr. Advocate, Adiba Khatoon, Uday Pratap Singh, Anmol Bartaria |
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| Counsel for Respondent(s) | : R.K. Ojha, Sr. Advocate , Prabhakar Awasthi, Sr. Advocate, Ram M. Kaushik, Anuj Srivastava, Varad Nath, A.K. Goyal, A.C.S.C., Jagdish Pathak, S.C. |
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Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.**

(Per: Kshitij Shailendra, J)

1. Heard Shri Anil Tiwari, learned Senior Advocate assisted by Shri Uday Pratap Singh, Shri Anmol Bartaria and Ms. Adiba Khatoon Advocates appearing for the appellant, Shri A.K. Goyal, learned Additional Chief Standing Counsel alongwith Shri Jagdish Pathak, learned Standing Counsel appearing for respondents no. 1 to 3 and Shri Radha Kant Ojha alongwith Shri Prabhakar Awasthi, learned Senior Advocates assisted by Shri Anuj Srivastava and Shri Varad Nath Advocates appearing for the respondent no. 4.

THE CHALLENGE

2. The present intra-court appeal has been filed challenging the final order dated 15.11.2025, whereby the learned Single Judge has dismissed the Writ-C No. 9752 of 2025 which had been filed by the appellant questioning the order (election certificate) dated 28.03.2025 issued by the Assistant Registrar, Firms, Societies and Chits, Prayagraj, pursuant to an order dated 22.03.2025 passed by the Prescribed Authority/Sub-Divisional Magistrate, Sadar, Prayagraj on a reference earlier made to him.

3. The dispute is regarding Kayasth Pathshala, Prayagraj, a Society registered under the Societies Registration Act, 1860 ('the Act'). The appellant and the respondent no. 4 (in short 'the respondent') contested the election for the post of President of the Society. Elections were held on 25.12.2023, counting of votes was done on 26.12.2023 and the appellant, having received highest number of votes, was declared elected President on 26.12.2023, consequent whereupon a certificate of his election was issued to him by the Returning Officer.

Reference before the Prescribed Authority

4. The respondent approached the Assistant Registrar questioning the election of the appellant. The Assistant Registrar, by order dated 06.04.2024, referred the matter to the Prescribed Authority who, by his order dated 22.03.2025, directed the Assistant Registrar to conduct recounting of votes and declare the result. In pursuance of the said order, the Assistant Registrar, after getting the recounting of votes done, issued an election certificate dated 28.03.2025 declaring the respondent as President of the Society and also cancelled the election certificate dated 25.12.2023 earlier issued by the Returning Officer in favour of the appellant.

Statutory Appeal before the Commissioner

5. Against the order dated 22.03.2025 passed by the Prescribed Authority, the appellant has filed an appeal under the proviso (d) of Section 25(1) of the Act before the Commissioner, Prayagraj, which appeal is still pending.

PROCEEDINGS BEFORE THIS COURT AT INTERIM STAGE

6. Assailing validity of the certificate dated 28.03.2025 issued by the Assistant Registrar, the writ petition giving rise to the present appeal was filed and interim relief was claimed requesting the Court to stay effect and operation of the order dated 28.03.2025 and to restrain respondent no. 4, i.e. the elected President, not to interfere in the functioning of the appellant as President of the Society during the pendency of the writ petition.

7. The writ court, by an order dated 25.04.2025, refused to grant interim relief to the appellant. Challenging the said order, the appellant filed Special Appeal No. 388 of 2025, which was dismissed by order dated 21.05.2025. The said order was carried to Hon'ble Supreme Court in the form of S.L.P. No. 16985 of 2025, however, the same was also dismissed on 04.07.2025. Thereafter, the writ petition was finally heard by the learned Single Judge and by the order impugned dated 15.11.2025, the same has been dismissed.

SUBMISSIONS ON BEHALF OF THE APPELLANT

8. Learned Senior Counsel appearing for the appellant has made following submissions:-

(i) The Learned Single Judge has failed to consider the mandate of Section 25(2) of the Act and has proceeded on an erroneous premise that, after recounting under Section 25, one candidate can simply be substituted by another in terms of declaration made by him and without holding fresh elections.

(ii) The Learned Single Judge has failed to appreciate that the challenge in writ petition was *inter alia* to the jurisdiction of the Assistant Registrar who has no statutory power to cancel or set aside election or to declare the respondent as elected and, therefore, the order passed by him is contrary to the mandate of Section 25(2) of the Act which provides that where by an order made by the Prescribed Authority under 25(1), the election is set aside and the office bearer is no longer entitled to continue in

office, then the Registrar may call a meeting of the General Body of the Society for electing office bearers and such meeting shall be presided by the Registrar or any officer authorized by him.

(iii) Although in the order of the Prescribed Authority, there is no indication or mention that election of the appellant has been set aside, alternatively, if the Prescribed Authority is deemed to have set aside the election of the appellant, the only consequence could be that the Assistant Registrar, in exercise of powers under Section 25(2) of the Act, shall proceed to hold a fresh meeting to elect the President, however the same having not been done, the order/certificate issued by the Assistant Registrar becomes invalid as per the statutory scheme itself.

(iv) Only the Prescribed Authority could have decided the dispute in respect of the election and continuance or removal of the appellant as the President of the Society and the Assistant Registrar could not have cancelled the appellant's election or the certificate earlier issued in his favour and, simultaneously, appoint the respondent as the President.

(v) The Prescribed Authority has, after passing order dated 22.03.2025, closed the proceedings before him, whereas, even if he was of the view that recounting should take place, he could have asked the Assistant Registrar to get recounting done and, then, to send the record before him (Prescribed Authority). The same, having not been done, closure of proceedings by the Prescribed Authority and

leaving everything to the Assistant Registrar, amounts to illegal exercise of power by the Prescribed Authority.

(vi) The Prescribed Authority and the Assistant Registrar, by declaring the losing candidate as the winning candidate after recount, have assumed such power within themselves which otherwise is available only to the High Court while entertaining an election petition under the provisions of **Representation of the People Act, 1951 (in short 'R.P. Act')**, which analogy could not be applied in society matters which are governed by the statutory scheme contemplated under the Act of 1860. Reference was made to Sections 84, 98, 100 and 101 of the R.P. Act in this regard.

(vii) Pleadings contained in paragraph 24 of the writ petition to the effect that, as per Section 25 of the Act of 1860, it is only the Prescribed Authority who is authorized by the State Government by notification to set aside the election of office bearers of the Society, having been specifically admitted in paragraph 15 of the counter affidavit filed on behalf of the State-respondents, such admission, in itself, is sufficient to set aside the order/election certificate dated 28.03.2025.

9. Placing reliance on a co-ordinate Bench judgment of this Court in the case of **All India Council and another vs. Assistant Registrar, Firms, Societies and Chits, Varanasi Region, Varanasi and another, 1988 (2) AWC 1154**, submission has been made that the scope of Section 4(1) being different from the one under Section 25 of the Act, if a dispute of the nature covered by

Section 25 is raised before the Registrar in connection with the submission of annual list under Section 4(1) of the Act, the same must be referred by him to the Prescribed Authority.

10. Accordingly, prayer has been made to set aside the order of the learned Single Judge and to allow the writ petition granting reliefs claimed therein; alternatively, to direct the Assistant Registrar to hold a fresh meeting to elect the President as per Section 25(2) of the Act.

**SUBMISSIONS ON BEHALF OF THE STATE RESPONDENTS
NO. 1, 2 AND 3**

11. Learned Standing Counsel submits that the appellant, on the one hand, has challenged the basic order dated 22.03.2025 passed by the Prescribed Authority by way of statutory appeal which is pending before the Commissioner, on the other hand, challenge has been laid to the consequential order/certificate issued by the Assistant Registrar by means of writ petition which was not maintainable. It is further submitted that this Court, while dismissing the Special Appeal No. 388 of 2025, has already found election certificate dated 28.03.2025 as of no legal status and, therefore, dismissal of writ petition by the learned Single Judge cannot be faulted.

SUBMISSIONS ON BEHALF OF THE RESPONDENT NO. 4

12. Learned Senior Counsel appearing for the respondent has made following submissions:-

- (i) In the elections held on 25.12.2023, 148 valid votes were not counted and, therefore, the Prescribed Authority

rightly directed recount of votes and, on recount having been lawfully and fairly done, the appellant lost by 77 votes.

(ii) The result of recounting of votes having never been challenged by the appellant, the writ petition against a mere election certificate dated 28.03.2025 was legally not maintainable and, therefore, the same has rightly been dismissed.

(iii) Once the appeal against the order dated 22.03.2025 passed by the Prescribed Authority is still pending before the Commissioner, any indirect challenge to the said order by way of challenge to the consequential act done by the Assistant Registrar, through the writ petition, is untenable.

(iv) The Assistant Registrar, by his order dated 02.04.2025, has already registered the list of office bearers under Section 4(1) of the Act and signatures of the respondent have also been attested and there being no challenge to registration of list or attestation of signatures, no relief can be granted to the appellant in these proceedings.

DISCUSSION AND ANALYSIS

13. We have considered the submissions made by learned counsel for the parties and have perused the material available on record.

Prayers in the writ petition

14. A perusal of the writ petition indicates that the first prayer made therein was to quash the order dated 28.03.2025 passed by the Assistant Registrar which is in the form of a certificate. Second prayer was to direct the respondents not to interfere in the functioning of the appellant as President of Kayastha Pathshala, Prayagraj.

The impugned order/election certificate

15. It would be apt to reproduce the order/certificate impugned in the writ petition, which reads as under:-

"निर्वाचन प्रमाण पत्र

सन्दर्भ वाद संख्या: 6998/2024, चौधरी राघवेंद्र नाथ सिंह बनाम आर ओ कायस्थ पाठशाला अंतर्गत धारा 25(1) उत्तर प्रदेश सोसाइटीज रजिस्ट्रीकरण अधिनियम 1860 में नियत प्राधिकारी/उप जिलाधिकारी सदर प्रयागराज द्वारा पारित आदेश दिनांक 22.03.2025 के अनुपालन में व माननीय जिला अधिकारी द्वारा प्रेषित पत्र संख्या 3033 दिनांक 26.03.2025 के क्रम में समस्त मत पत्रों की पुनर्मतगणना के पश्चात चौधरी राघवेंद्र नाथ सिंह कायस्थ पाठशाला के अध्यक्ष निर्वाचित घोषित किया जाता है।

दिनांक 25.12.2023 को निर्वाचन अधिकारी कायस्थ पाठशाला श्री प्रमोद कुमार के हस्ताक्षर से जारी निर्वाचन प्रमाण पत्र जो डॉ सुशील कुमार सिन्हा के पक्ष में जारी किया गया था एतद्वारा निरस्त किया जाता है।"

16. When prayer to stay the effect and operation of the order/certificate dated 28.03.2025 and to restrain the respondents from interfering in the functioning of the appellant as President of the Society was declined by the writ court by order dated

25.04.2025, the appellant laid challenge to the same by filing Special Appeal No. 388 of 2025. At that stage, the matter was extensively heard on nature and significance of the election certificate and the appeal was dismissed by recording following observations:-

“25. A perusal of above would reveal that the certificate indicated that pursuant to the recounting, respondent no. 4 is declared as elected President of the Society and went on to cancel the election certificate issued pursuant to the election dated 25.12.2023 in favour of the appellant. As specifically stated by learned counsel for the appellant that in so far as the result of the counting as declared by the Assistant Registrar is concerned, the appellant does not have any grievance in the writ petition as his appeal against the order dated 22.03.2025 is pending. The grievance is qua the cancellation of his election certificate.

26. Nothing has been pointed out that the Act/Rules requires issuance of any such election certificate and, therefore, in our opinion, the same by itself, does not have any legal status. It is not in dispute that pursuant to the recounting held and the declaration of result on 28.03.2025, the Assistant Registrar by his order dated 02.04.2025 has registered the list of office bearers in terms of Section 4(1) of the Act and it is claimed that signatures also have been attested. The issuance of the certificate, whatever value can be attached to the said certificate, does not empower the elected President in any manner, the power is derived based on the registration of the office bearers under Section 4(1) of the Act and even the said order is appealable under Section 4(1A) of the Act.

27. In view of above fact situation, the submissions made by learned counsel for the respondent regarding the nature of challenge laid by the petitioner in relation to the election certificate, which on its own does not have any legal sanctity appear to be justified and consequently seeking of interim relief qua the working of the society despite passing of the order dated 02.04.2025 under Section 4(1) of the Act appears to be wholly misplaced.

28. So far as the judgements cited by both the sides are concerned, in view of what has been found, the same would have no application to the present circumstances.

29. In view of above, in the context of the submissions made, in a petition, seeking to question a part of the election certificate i.e. only regarding cancellation of appellant's certificate and seeking therein interim relief of restraint against the respondent no. 4 from working as President of the Society, the prayer made, cannot be countenanced.

30. In view of above discussion, the order passed by learned Single Judge does not call for any interference, though for different reasons.

31. Consequently, the appeal has no substance, the same is, therefore, dismissed."

17. The Hon'ble Supreme Court, on a further challenge laid on behalf of the appellant, dismissed the S.L.P. by order dated 04.07.2025, which reads as under:-

"1. We are informed that the main writ petition is now listed for final hearing. In this view of the matter, we are not inclined to interfere with the impugned order, which is interim in nature.

2. The Special Leave Petition is dismissed. Needless to say, we have not expressed any opinion on the merits of the case.

3. Pending application(s), if any, shall stand disposed of."

18. In light of aforesaid, if we proceed to examine the rival contentions of the parties, we first find that the Prescribed Authority, by order dated 22.03.2025, had issued following directions:-

"उपरोक्त तथ्यों को दृष्टिगत रखते हुए सभी 9543 मतपत्रों की पुर्न मतगणना का आदेश जारी किया जाता है। सहायक रजिस्ट्रार, फर्म्स, सोसाइटीज एवं चिट्स प्रयागराज को यह

निर्देशित किया जाता है कि 7 दिवस के अन्दर पुर्न मतगणना कराना तथा उसका परिणाम घोषित करना सुनिश्चित करें। इसके साथ ही नायब तहसीलदार उत्तरी सदर प्रयागराज को यह निर्देशित किया जाता है कि मतगणना की पूरी प्रक्रिया के दौरान मतगणना स्थल पर उपस्थित रहकर सतत पर्यवेक्षण करेंगे। आदेश की दूसरी प्रति co कर्नलगंज को इस निर्देश के साथ भेजी जाय कि नियत स्थान एवं समय पर पर्याप्त पुलिस बल तैनात करें। यह भी आदेशित किया जाता है कि पुर्न मतगणना की सम्पूर्ण प्रक्रिया विडियोग्राफी में कराया जाय।"

19. Assistant Registrar, accordingly, through the State Machinery, got the recounting done and, then, issued the certificate dated 28.03.2025. The challenge to the said order/certificate is primarily on the ground that the Assistant Registrar had no power or jurisdiction, either to declare the respondent as President or to cancel the election of the appellant, which was earlier recognized in terms of issuance of certificate dated 25.12.2023 issued by the Returning Officer.

20. Though the argument advanced on behalf of the appellant to the effect that in terms of proviso to sub-Section (1) of Section 25 of the Act, election of an office bearer can be set aside only by the Prescribed Authority, if one or the other contingency enumerated in Clause (a), (b) and/or (c) occurs, is certainly in consonance with the scheme of the Act, the mere fact that the Assistant Registrar had issued the certificate and that the Prescribed Authority, in its order dated 22.03.2025, had not specifically indicated setting aside the election of the appellant, by itself, is not sufficient to grant reliefs, as prayed by the appellant. The reason is that the Assistant Registrar was bound to obey the directions issued by the Prescribed Authority vide his order dated 22.03.2025 'to get the recount done and declare its

result' and, hence, questioning the nature of the said direction or its consequence could only possibly be entertained in proceedings raising a challenge to the order dated 22.03.2025 itself and not in the writ petition where the said order is not impugned.

21. Admittedly, the order dated 22.03.2025 passed by the Prescribed Authority is not the subject matter of the writ petition and a statutory appeal under Clause (d) of proviso to sub-Section (1) of Section 25 of the Act against the said order is still pending before the Commissioner concerned. Therefore, neither the writ Court nor this Appellate Court can record a finding which may, directly or indirectly, result in either setting aside or upholding the order passed or directions issued by the Prescribed Authority. The same, if done, would amount to going beyond the scope of the writ petition and the appeal.

22. We may add here certain aspects relating to the appeal against the order dated 22.03.2025 pending before the Commissioner. Therein also, the appellant moved an application seeking interim relief pending appeal. The Commissioner, Prayagraj, while admitting the appeal by order dated 11.09.2025, rejected the application observing that the said order would remain subject to any order to be passed in the pending Writ-C No. 9752 of 2025, i.e. the writ petition giving rise to the present appeal. Therefore, even in the appeal against the main order passed by the Prescribed Authority, the appellant did not get any interim relief and nothing has been brought on record before us to demonstrate that at any point of time, arising out of the appeal, the appellant has got any interim relief.

23. Further, there is an order dated 23.11.2024 passed by this Court in another Writ-C No. 38500 of 2024 filed by the appellant wherein he had made certain prayers with regard to Reference Case No. 6998 of 2024 during its pendency before the Prescribed Authority. The said writ petition disposed of directing the Commissioner, Prayagraj Division, Prayagraj to decide the pending appeal expeditiously preferably within a period of one month from the date of production of certified copy of the order, if there is no legal impediment. As to what are the reasons for non-disposal of the pending appeal within the time fixed by this Court, is not a matter of concern of this Court in these proceedings; however the fact remains that the appeal is still pending and without any interim relief to the appellant.

24. Another significant aspect of the matter is that admittedly, list of office bearers pursuant to the election result after recount, has already been registered under Section 4(1) of the Act on 02.04.2025 and signatures of the respondent as President have also been attested. In such view of the matter, when basic order passed by the Prescribed Authority is under challenge in appeal before the Commissioner and the order subsequent to issuance of certificate registering the list of office bearers under Section 4(1) of the Act, has not been challenged in appropriate proceedings, challenge to an intervening event in terms of issuance of certificate dated 28.03.2025, in our opinion, has no substance.

25. We may reiterate that no provision under the Act or the Rules contemplates issuance of any such election certificate and, therefore, the same by itself does not have any legal status. While dismissing Special Appeal No. 388 of 2025, we have already

held that issuance of certificate, whatever value can be attached to the same, does not empower the elected President in any manner and the power to act as such is derived based on the registration of the list of office bearers under Section 4(1) of the Act, which order is appealable under Section 4(1-A) of the Act. If the appellant chose not to challenge the same, we cannot restrain the respondent from acting as President and, therefore, both the reliefs claimed in the writ petition cannot be granted.

26. As far as reliance placed on behalf of the appellant on the judgment in the case of **All India Council (supra)**, it would be necessary to refer paragraph 10 of the decision, much emphasis whereupon was laid on behalf of the appellant. The same reads as under:-

“10. It was urged that the Registrar derives jurisdiction under this provision to determine the dispute. We are unable to agree. In the first place, the dispute has not arisen in the context of the submission of the annual list of the managing body which is required to be filed under Section 4(1). Secondly, the power of the Registrar to decide objections filed under the proviso to Section 4(1) must be held to operate in a field not covered by Section 25 of the Act. Under the proviso to Section 4(1), the Registrar deals only such matters as may arise in the context of the submission of the annual list of the managing body. Further in the present case we are concerned here not with the election of the managing body but with the election of the office-bearers of the Society. The managing body here is the AH India Council which is different from the Pratinidhi Sabha. In any case, insofar as the disputes relating to the election of the office-bearers of a society registered in Uttar Pradesh is concerned, the same has to be decided only in the manner prescribed under Section 25(1) on the principle that the 'special excludes the general'. This is the only way in which the proviso to Section 4 can be harmonised with Section 25. Consequently if a dispute of the nature covered by Section 25 is raised before the Registrar in

connection with the submission of the annual list under Section 4(1) of the Act the same must, in view of the Legislative mandate embodied in Section 25(1), be referred by him to the Prescribed Authority. The Bench deciding writ petn. No. 14879 of 1986 referred to above was also of the opinion that the proviso to Section 4(1) does not have the effect of whittling down the scope of Section 25(1).”

27. We find that the controversy before this Court in the case of **All India Council** (supra) had arisen from a situation where there was a Society namely, ‘Bharat Dharm Mahamandal’ registered under the Act, whereas its management and control was in the hands of its general body, namely ‘All India Pratinidhi Sabha’. Elections of office bearers of Pratinidhi Sabha were held and parallel elections were also set up by the rival group and when two parallel proceedings and the decisions thereof regarding continuance of the beneficiaries of such proceedings came before the Assistant Registrar, he disposed of the proceedings, one pertaining to certain amendments in the by-laws which he had disapproved and the other relating to the question of continuance of a person as Chief Secretary after submission of his resignation. In that factual background, this Court had proceeded to examine the competence of Assistant Registrar to pass an order of the said nature and observed that such election dispute could only be referred by him to the Prescribed Authority under Section 25(1) of the Act.

28. The facts of the present case are totally different wherein there is no dispute regarding any parallel elections having been set up, rather the case in hand has arisen from a situation where, after the Assistant Registrar had made a reference to the Prescribed Authority, the latter exercised its power in terms of

Section 25 (1) of the Act and passed the order dated 22.03.2025, which itself is under challenge in Appeal before the Commissioner. Therefore, the appellant cannot get any advantage out of the decision cited.

29. Submission made by Shri Tiwari that closure of proceedings by the Prescribed Authority after passing order dated 22.03.2025, and not requiring the Assistant Registrar to transmit record of recounting done before him (Prescribed Authority) amounts to illegal exercise of power by the Prescribed Authority, is essentially an attack on validity of the order passed by the Prescribed Authority, which is under challenge in appeal before the Commissioner and does not form subject matter of the proceedings before us or the writ court.

30. As far as alternative submission made by Shri Tiwari that if the election of the appellant is deemed to have been set aside vide order of the Prescribed Authority, the only consequence would be the one as provided under Section 25(2) of the Act requiring the Assistant Registrar to hold a fresh meeting, we are not inclined to accept the same. The reason is that once the certificate dated 28.03.2025 is of no independent legal status or consequence, what remains of significance is the order of the Prescribed Authority passed prior to issuance of certificate and registration of the list under Section 4(1) by the Assistant Registrar subsequent to issuance of certificate. Challenge to the order of the Prescribed Authority and registration of list by the Assistant Registrar having been statutorily recognized under the scheme of the Act, 1860, we are not inclined to hold in these proceedings that occasion for the Assistant Registrar to hold

meeting as per Section 25(2) of the Act has arisen, particularly when the appeal against the order of the Prescribed Authority is under challenge in Appeal pending before the Commissioner.

31. In order to appreciate submissions made on behalf of the appellant with reference to the provisions of R.P. Act, a composite reading of Sections 84, 98, 100 and 101 of the said Act makes it clear that the High Court, in an election petition filed under the said Act, can entertain a challenge to an election on various grounds and the relief that may be claimed by the election petitioner or that may be granted to him, includes a declaration that he himself or any other candidate has been duly elected. However to observe in this case that the declaration made in favour of the respondent vide certificate dated 28.03.2025 would amount to borrowing/importing powers from the Act of 1951, which otherwise are not available under the Act of 1860, the Court has to see the nature of challenge in its entirety and not on piecemeal basis. Once we have arrived at a concrete conclusion that the challenge laid to the certificate alone which has no independent or separate legal status in itself, we are not inclined to quash either the certificate or any part thereof or the order of learned Single Judge dismissing the writ petition.

32. The learned Single Judge, after taking note of the proceedings of previous round of litigation in terms of declining to grant interim relief by the writ Court, unsuccessful challenge made by the appellant in the Special Appeal and, then, before the Hon'ble Supreme Court, came to the conclusion that the writ petition is an indirect way to invoke jurisdiction of the writ Court to pass comments or return finding qua the order dated

22.03.2025 passed by the Prescribed Authority on merits, despite a challenge having been laid to the same by way of appeal pending before the Appellate Authority.

33. Although observation made by the learned Single Judge in paragraph no. 17 of the order impugned that after the respondent was declared elected, the only legal consequence would be that election certificate be issued in his favour and the election certificate already issued in favour of the appellant has to be set aside and the same was done by the concerned respondent who was empowered to do so, appears to be not in strict consonance with the scheme of the Act of 1860, the same, in itself, would not suffice reversal of the ultimate conclusion drawn by the writ Court. We are satisfied that the learned Single Judge has assigned cogent multiple reasons for dismissing the writ petition in light of statutory appeal being pending before the Commissioner against the order passed by the Prescribed Authority and no challenge having been laid to registration of the list under Section 4(1) of the Act, either way.

CONCLUSION

34. Consequently, we do not find any error in the order passed by the learned Single Judge and without making any comment on the validity of the order dated 22.03.2025 passed by the Prescribed Authority against which statutory appeal is pending before the Commissioner, or registration of list of office bearers under Section 4(1) of the Act, we are not inclined either to upset the order of the learned Single Judge or to grant any relief to the appellant.

35. The appeal has no merit and the same is, accordingly, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 4, 2026

Sazia