

Dist.:- Sasaram (Rohtas)

**PRESENT :- Shri Vivek Kumar Singh, I.A.S.,  
Chairman-Cum-Member.**

Bal Vikas Vidyalaya

Petitioner/ Appellant

## Versus

## The State of Bihar & Others

Respondent/ Opp. Party

**Appearance :**

**For the Appellant :- Shri Jitendra Singh, Sr. Advocate**

**For the Respondent :- Shri Shambhu Prasad, G.P.**

**Shri Venkatesh Kiriti, Advocate**

## ORDER

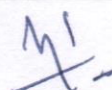
Learned Senior Counsel for the appellant, Learned Government Pleader for state and Learned Senior Counsel for private respondents are present.

Present appeal has been filed challenging memo no. 737 अनु०, पटना dated-26.11.2019 passed by DIG, Registration, whereby he has directed District Magistrate, Rohtas (Sasaram) to conduct the election of the Bal Vikas Samiti, Sasaram bearing registration no. 58/1985-86 in terms of Rule-18(iii) of the Bihar Society Registration Rules- 2018 forthwith.

The appeal was heard on the issue of maintainability. The respondents had earlier contended that the impugned order dated 26.11.2019 was not an order appealable under Rule 22 of Bihar Society Registration Rules, 2018.

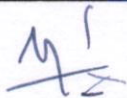


आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>Learned counsel for the parties have also submitted their written submissions regarding the issue of maintainability of the appeal. Learned senior counsel appearing for the appellant contended that the order dated 26.11.2019 was an interim order passed by the DIG, Registration directing the District Magistrate, Rohtas to conduct election of the society. It was further contended that the direction to conduct election was a clear violation of rights and interest of the parties. It was argued that in view of that an appeal against the order of DIG Registration maintainable before the Board of Revenue. The appellant also contended that on a plain reading of Rule 22 of Bihar Society Registration Rule, 2018 it emerges that all orders, including interim order, is appealable before the Board of Revenue. In order to buttress his point, the counsel for the appellant relied upon various judgments of the Hon'ble Supreme Court and dwelt upon the intricate interpretations of the statutory lexicon.</p> <p>Learned Government Pleader appearing on behalf of Registration Department averred that according to Bihar Society Registration Rules, 22 (ii) "all orders passed by the IG Registration under those rules shall be appealable before the Member, Board of Revenue, whose decision shall be final." The appellant can, therefore, file an appeal before Board of Revenue, only against the final order passed by the IG Registration. The present order has been passed by the DIG Registration, and that in the present case, no such order has been passed by the IG Registration, and therefore, the appeal may be dismissed as premature. The Government pleader also stated that the election</p>	





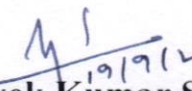
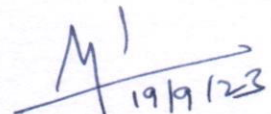
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	<p>of the society should be conducted among the legitimate members of the society.</p> <p>Learned counsel appearing for private respondents states that the letter dated 26.11.2019, which was under challenge was not an order. It was merely a direction to the District Magistrate, from the DIG Registration, to conduct election of the society in terms of Rule 18 (iii) of Bihar Society Registration Rules, 2018. The counsel for private respondent further contented that IG Registration had still not decided the matter and the matter was sub-judice. he argued that the final decision of the IG Registration shall come only after the completion of process of Rule 18. The learned senior counsel for the private respondent relied on the decision of Supreme Court wherein distinction between order and direction was explained. It was further contended on behalf of respondent No. 5 and 6 that the DIG Registration in his affidavit dated 17.04.2022 filed before this court specifically stated that the Founder Member and 7 nominated members of Lions Club were valid members, among whom the election was contemplated.</p> <p>Heard the parties. Perused the records and written arguments. Rule 22 provides ".....(ii) all orders passed by the IG Registration under those rules shall be appealable before the Member, Board of Revenue whose decision shall be final."</p> <p>The spirit of the provision is that the final order passed by the IG Registration is appealable. The impugned order has been passed by the DIG Registration, not IG Registration. It is also submitted by the respondents that the impugned order is not a</p>	





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	<p>final order since it has been passed under the provision as contained under Rule 18(iii). Under the said provision, the respondent no.4 DM, Rohtas has been directed to conduct fresh elections, as there was a dispute arising out of the two contending governing/ executive bodies, lead by appellant and respondent no. 5 and 6, respectively.</p> <p>This court, vide order dated- 14.07.2020, had sought clarification from IG Registration on the issue, as to whether any final order has been passed in the case. Reply on affidavit has been filed through DIG Registration on 17.08.2022 specifically stating that " IG Registration has not passed any final order in terms of Rule 18 of Bihar Society Registration Rules 2018, rather a direction was issued for election of the committee of Bal Vikas Vidyalaya under Rule 18 (iii). DM, Rohtas had directed to hold election among founder members and 7 delegates nominated by Lions Club of Sasaram.</p> <p>After hearing the parties and going through the written submission supplied by them it appears that the Registration Department is yet to reach to a final conclusion in the present matter. The Registration Department has opted for the procedure laid down under Rule 18 of Bihar Society Registration Rules, 2018 whereunder, if there is dispute between two rival governing bodies of the Society, the department was empowered to call for an enquiry and/or hear the party and/ or call for election based on the said procedure to reach to the final conclusion. The IG Registration, till date, has not come to a final conclusion, and the letter dated 26.11.2019 is a mere direction</p>	



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	<p>to DM, Rohtas to conduct election among the legitimate members, which shall subsequently facilitate the IG Registration to give a final order.</p> <p>The letter dated 26.11.2019 from DIG, Registration to DM, Rohtas is a direction to conduct election in terms of Rule 18 (iii) of Bihar Society Registration Rule, 2018 and is an interim order, and not a final order appealable under Rule 22 of 2018 Rules. In view of the facts and circumstances of the instant case, the appeal at this juncture is not maintainable. The matter is accordingly disposed.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p><b>Dictated &amp; Corrected</b></p>  <p><b>(Vivek Kumar Singh)</b> <b>Chairman-Cum-Member</b> <b>Board of Revenue, Bihar.</b></p> </div> <div style="text-align: center;">  <p><b>(Vivek Kumar Singh)</b> <b>Chairman-Cum-Member</b> <b>Board of Revenue, Bihar.</b></p> </div> </div>	