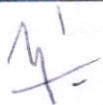


आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
<p>15.12.2023 19.02.2024</p>	<p style="text-align: center;">Board of Revenue, Bihar, Patna Registration Case No. 01 of 2023 Dist.: Darbhanga</p> <hr/> <p>Gyan Bharti Public School & Ors - Petitioner/ Appellant</p> <p style="text-align: center;">Versus</p> <p>The State of Bihar & Ors - Respondent/ Opp. Party</p> <hr/> <p>Appearance : For the Appellant : Sri Satish Chandra Jha, Advocate For the Respondent : Sri Kedar Jha, Advocate</p> <hr/> <p style="text-align: center;"><u>ORDER</u></p> <p>This appeal has been preferred by Sri NandKishor Yadav, Secretary, Gyan Bharti Public School, Laxmi Sagar Darbhanga with a prayer to set aside the order bearing No. BS3-10235/1991-990 dated 07.11.2022, passed by I.G Registration, Bihar, Patna, whereby he, exercising his power u/s 18(iii) of the Bihar Societies Registration Rules, 2018 has directed District Magistrate, Darbhanga, to hold election of the Gyan Bharti Public School Society in presence of all valid Member at the earliest, including one female Member.</p> <p>Facts of the case as stated by appellant is that in a meeting of Aam Sabha of the Members of the School held on 20.05.2009, one Tula Kant Jha was elected as the President and the appellant as the Secretary of the School. In the meeting dated 25.05.2014, it was further resolved that instead of holding a fresh election, the existing committee shall continue. It is further stated that since Sohan Yadav, Gauri Paswan and Indra Kumar Jha were acting against the rules,</p>	



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	<p>therefore they were removed in the meeting of Aam Sabha dated 26.04.2015.</p> <p>Mr. Sohan Yadav made an application before the I.G. Registration on 05.03.2019, pointing out irregularities by the appellant in the management of the school society and requested for enquiry into the matter and also asked for fresh election.</p> <p>Assistant Inspector General, Registration, Darbhanga, on being asked to submit report by I.G. Registration, submitted his report vide memo no. 625 dated 20.07.2019. The aforesaid enquiry report acknowledged that since the members of the old/new executive committee did not appear physically before the enquiry officer, therefore he could not physically verify the members. The enquiry report further averred that the bye laws of the society were modified in the year 2011, and the same was recorded in the registration department. Mr. Nand Kishore Yadav, the present secretary got elected to post of Secretary unanimously through the Aam Sabha since 2011. Mr. Sohan Yadav assailed the enquiry report dated 20.07.2019 submitted by the Assistant Inspector General, Registration, Darbhanga and requested for fresh Aam Sabha under the egis of District Administration.</p> <p>Assistant Inspector General, Darbhanga, on again being asked to submit report by I.G. Registration, submitted his report vide memo no. 76 dated 25.02.2021 u/s 18(iii) of the Rules 2018. The enquiry officer, in this report, recommended for the dissolution of the present Sabha and suggested that after due publicity, new</p>	

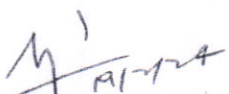
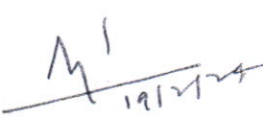
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	<p>members be added under the supervision of administration and also recommended for the constitution of the new executive committee.</p> <p>This appellant thereafter filed an appeal before this court vide Appeal No. 11/2021, which was dismissed by this court. Since the impugned order was passed by the AIG Registration and not by the IG Registration, who is the competent authority to pass the order under law, Inspector General Registration subsequently passed an order which is under challenge through this appeal.</p> <p>Learned lawyer appearing on behalf of the respondent no. 7 Sohan Yadav stressed that the appellant and his committee are misusing their position and are mismanaging the school society and prayed for dismissal of the appeal.</p> <p>Learned G.P., appearing for respondent no. 1,2 and 3 pointed out that from the contending submissions of the appellant and respondent no. 7, it was apparent that there were two rival groups and rival committees, and that the management of the school was under dispute.</p> <p>It was further submitted by learned G.P. that while Section 19 of the Bihar Societies Registration Rules provide that where complaint regarding acts of commission and omission against the society or any of its member is received or when a dispute arises out of the existing of two rival Governing/Executive Body, in the instant case, I.G. Registration exercising his power as provided under Rule 18, has passed the impugned order to settle the dispute once forever. Learned G.P. submitted that impugned order passed by IG Registration was justified</p>	

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	<p>Heard the submissions. Perused the record. The provisions to deal with the disputes relating to societies are contained in the Bihar Societies Registration Rules, 2018 and are as follows:</p> <p><i>“Disputes relating to Societies</i> <i>18. If a dispute arises out of the existence of two rival Governing and / or executive bodies for being a rightful Managing body of the Society, then, the IG may:-</i> <i>(i) Ask the District Magistrate to enquire himself or through one of his subordinate officers and submit a report, and / or</i> <i>(ii) Invite all the rival bodies and hear the matter in person, and / or</i> <i>(iii) Cause re-election of the Governing and / or Executive Body to be done in the presence of an Observer appointed by the IG, Registration.</i> <i>Based on the findings from aforementioned steps, the IG shall pass suitable Order adjudicating the matter.</i> <i>19. Where a complaint regarding acts of commission and omission against the Society or any of its Member is received, the IG, Registration may enquire the matter himself or through such authority as he may deem fit and cause report to be submitted. Consequent upon such a report is being filed before IG, Registration, he may pass a suitable order after giving due opportunity of hearing to all the parties concerned.”</i></p> <p>From the reading of the order of the IG Registration issued vide letter no. 990 dated 7th Nov, 2022 it is manifest that an individual, Shri Sohan Yadav had made complaints with regard to acts of commission and omission, which was adjudicated upon under Rule 18(iii) by the IG Registration.</p>	



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	<p>From the perusal of I.G Registration's order, it transpires that he has largely relied upon the enquiry report submitted by the AIG in 2021 but has not duly weighed the enquiry report submitted by the same AIG in 2019. The Bihar Societies Registration Rules 2018 has very clearly differentiated the pathways to be chosen in cases of disputes relating to Societies, which are very explicitly mentioned in Rules 18 and 19, respectively. While there is a possibility that the order passed by IG, Registration may reach a common destination under Rule 18 or under Rule 19, the entire process is ab initio vitiated if the route taken by the IG Registration doesn't follow the distinct signages provided by the Rules. The complainant in the instant case (the respondent here) is an individual, who had filed a complaint in 2019, apparently much after the purported Aam Sabha of 2015. Even if the delay in filing the complaint could be condoned, the matter should have been dealt with under Rule 19 of the rules, and not under Rule 18, as per Bihar Societies Registration Rules 2018. Under the circumstances, order issued vide memo number 990, dated 7th November, 2022 is set aside.</p> <p>The appeal is, accordingly, allowed.</p> <p>Dictated & Corrected</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  (Vivek Kumar Singh) Chairman-Cum-Member Board of Revenue, Bihar. </div> <div style="text-align: center;">  (Vivek Kumar Singh) Chairman-Cum-Member Board of Revenue, Bihar. </div> </div>	