



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

137

Date of Decision : 22.09.2025

(i) LPA-2154-2025 (O&amp;M)

VISHNU PRABHA SHARMA

...APPELLANT

Versus

THE REGISTRAR OF FIRMS AND SOCIETIES, CHANDIGARH  
AND OTHERS

... RESPONDENTS

(ii) LPA-2159-2025 (O&amp;M)

RAJIV SHARMA AND ANOTHER

... APPELLANTS

Versus

VISHNU PRABHA SHARMA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURIPresent: Mr. Ferry Sofat, Advocate  
for the appellants in LPA-2154-2025.Mr. Saurav Bhatia, Advocate  
for the appellants in LPA-2159-2025.Mr. Gaurav Chopra, Sr. Advocate with  
Ms. Seerat Saldi, Advocate  
for respondents in both the appeals.Mr. Pranav Chadha, Addl. A.G, Himachal Pradesh  
for respondents No. 2 to 4 in LPA-2154-2025 and  
for respondents No. 7 to 9 in LPA-2159-2025.

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**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present appeals the challenge is to the order dated 17.07.2025 passed by the learned Single Judge vide which certain directions were given by the learned Single Judge in paragraph 19 of the said impugned judgment, which directions are as under :-

*“19. In view of the above background and circumstances, coupled with the fact that this Court has already held the instant writ petition to be non maintainable, the issue framed by this Court in paragraph No.9 of this verdict is answered as follows:-*

*(a) The Administrator appointed by the Co-ordinate Bench of this Court shall continue to manage the day to day affairs of the school. However, in case, the General Body elects a new Governing Body, the Administrator shall forthwith handover the charge and management of the school to the newly elected Governing Body;*

*(b) The petitioner is at liberty to raise the disputes, as raised before this Court, including the dispute appertaining to legality of constitution of the General Body on 21.06.2021, by approaching the Civil Court concerned;*

*(c) The respondent(s) are also at liberty to get their dispute, as raised in CWP-16809-2024, adjudicated by approaching the Civil Court concerned.”*

2. Learned counsel appearing on behalf of the appellant in **LPA-2159-2025** titled Rajiv Sharma and another vs. Vishnu Prabha Sharma and others, submits that though, a direction has been given by the learned Single Judge that a new Governing Body is to be elected from amongst the appointed General Body Members, but what is pertinent to note here is that



learned Single Judge was not informed that the said Governing Body had already been formed on 07.02.2024. Learned counsel for the appellant submits that the said Governing Body needs to be recognised as appropriate authority for all intents and purposes so as to carry out its duty, rather than considering the appointed administrator as the valid authority, keeping in view the directions given by learned Single Judge.

3. Learned senior counsel appearing on behalf of the respondents submits that the new Governing Body which was selected by way of election held on 07.02.2024, has already been held to be bad by the fact finding enquiry, which was undertaken by Registrar on directions of this Court vide order dated 23.07.2024, which report was also placed before the learned Single Judge and is also part of the present record as Annexure A-6.

4. Learned senior counsel further submits that after 07.02.2024, another Governing Body was elected on 15.03.2024 which shows that two different factions i.e. the appellants and respondent herein were claiming for validation of a different Governing Body before learned Single Judge, which led to the passing of impugned order as detailed hereinbefore.

5. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

6. Keeping in view that there was a dispute persisting with regard to the Governing Body, as to which one of the said Governing Body will hold validity which Governing Body was initially elected on 07.02.2024 and on 15.03.2024 qua said issue, as to which Governing Body will be finally considered valid and given charge, the learned Single Judge held that



only the undisputed General Body, which was constituted on 21.06.2021 and same will be considered valid, but as the term of the said General Body, which is 2 years, has also expired, a new Governing Body was allowed to be elected from amongst the General Body Members, and till the said exercise is completed, the Administrator, who has been appointed to carry out the necessary functions, who is a retired Judge, will continue to operate.

7. Learned counsel for the parties, before this Court agree that as both the parties are objecting to the Governing Body elected in the meeting held on 07.02.2024 as well as in the meeting held on 15.03.2024, the said process of Electing Governing Body be undertaken by the Administrator as per the by-laws while constituting a General Body Members as the Governing Body is to be elected from amongst the General Body Members. As per Ld. Counsel for the parties, certain members in the said General Body have been alleged to be inducted by either of the parties, the issue with regard to the validity of any such member so inducted, will also be decided by the said Administrator. In case anyone claims himself / herself to be a valid Member, any such claim raised along with the objections to such a claim, will also be considered by the Administrator and the said issue will firstly be decided by the Administrator within a period of three months of the receipt of any such claim by any member, who himself or herself claims to be the member of the General Body.

8. After satisfying as to who are the valid members of the General Body, the Administrator, exercising the powers given to him, will also elect the Governing Body as per the bylaws by giving due opportunity to all the



General Body members, who according to him have a right to compete for the same. The Administrator will be free to arrive at a particular conclusion keeping in view the bylaws and the facts of the present case.

9. Keeping in view the above, till the new Governing Body is elected, the order passed by the learned Single Judge will continue to operate and these instructions will be in addition to the order passed by the learned Single Judge.

10. Pending application(s), if any, stands disposed of.

11. Photocopy of this order be placed on the file of the connected case.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**(VIKAS SURI)**  
**JUDGE**

**22.09.2025**

*Satyawan*

Whether speaking/reasoned : Yes  
Whether reportable : No