



HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC REVIEW APPLICATION No. - 106 of 2026

Shiv Shankar Singh

.....Applicant(s)

Versus

Committee Of Management Nehru Vidyapeeth
Inter College And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Akshay Raghuvanshi, B.K. Singh
Raghuvanshi

Counsel for Opposite Party(s) : C.S.C., Suresh Chandra Dwivedi

Court No. - 6

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Sri S.C. Dwivedi, learned counsel appearing on behalf of the petitioner, Sri R.C. Dwivedi, who had initially appeared on behalf of respondent no. 6, and Sri B.K. Singh Raghuvanshi, appearing on behalf of respondent no. 6 through Review Application No. 1 of 2026 in the aforesaid writ petition.

2. This Court vide order dated 05.05.2026 has disposed of the writ petition with the following directions:-

1. Heard Sri S.C. Dwivedi, learned counsel for petitioners, Sri R.P. Tiwari, learned Standing Counsel and Sri R.C. Dwivedi, learned counsel for respondents.

2. Petitioners have challenged following order dated 09.12.2025 which is quoted below :

"विषय- नेहरू विद्यापीठ इण्टर कालेज रेवतीपुर गाजीपुर की प्रशासन योजना में सोसाइटी के स्थान पर ट्रस्ट परिवर्तन/संसोधन प्रकरण के सम्बन्ध में सुनवाई।

महोदय,

उपर्युक्त विषयक तथा कथित प्रबन्धक, नेहरू विद्यापीठ इण्टर कालेज रेवतीपुर गाजीपुर के पत्र दिनांक 04.10.2025 के क्रम में ईस कार्यालय के पत्रांक : मा0-2/6737-38/2025-26 दिनांक-01.11.2025 द्वारा विद्यालय की मान्य प्रशासन योजना में सोसाइटी नेहरू विद्यापीठ रेवतीपुर गाजीपुर के स्थान पर माँ भगवती द्वारिका ट्रस्ट पता 33 न्यूआमघाट सहकारी कालोनी

गाजीपुर किये जाने की अनुमति इस प्रतिबन्ध के साथ प्रदान की गयी है कि प्रकरण में यदि कोई तथ्यगोपन प्राकट्य होने की स्थिति में यह आदेश स्वतः निरस्त हो जायेगा। प्रकरण में श्री शिवशंकर सिंह आजीवन सदस्य, श्री नेहरू विद्यापीठ इण्टर कालेज रेवतीपुर गाजीपुर द्वारा अपनेपत्र दिनांक 09.12.2025 द्वारा अवगत कराया गया है कि तथाकथित प्रबंधक द्वारा पूर्णरूपेण तथ्यगोपन कर अनुमोदन प्राप्त कर लिया गया है तथा इस कार्यालय द्वारा निर्गत आदेश पर पुनर्विचार करते हुए निरस्त किये जाने का अनुरोध किया गया है। कार्यालय द्वारा निर्गत आदेश पत्रांक: मा०-2/6737-38/2025-26 दिनांक-01.11.2025 को अग्रिम आदेश तक स्थगित करते हुए प्रकरण के निस्तारण हेतु अधोहस्ताक्षरी के कार्यालय कक्ष में दिनांक- 29.12.2025 समय अपरान्ह 01.00 बजे सुनवाई कि तिथि निर्धारित की जाती । अतः प्रकरण के सम्बन्ध में अपनी सुस्पष्ट आख्या/साध्य सहित सुनवाई में प्रतिभाग करना सुनिश्चित करें। जिला विद्यालय निरीक्षक गाजीपुर सम्बन्धित पक्षों को अपने स्तर से सूचित करे। अतः प्रकरण के सम्बन्ध में अपनी सुस्पष्ट आख्या/साध्य सहित सुनवाई में प्रतिभाग करना सुनिश्चित करें। जिला विद्यालय निरीक्षक गाजीपुर सम्बन्धित पक्षों को अपनेस्तर से सूचित करे।"

3. Learned counsel for respondents submits that inquiry has been concluded by State-respondents and learned Standing Counsel submits that if inquiry is already concluded, an order will be passed within a very short period.

4. Learned counsel for petitioners has made various arguments that still petitioners are not heard by concerned respondents as well as conduct of contesting private respondents is also disputed, however, at this stage, Court has not entered into said aspect.

5. However, this writ petition is disposed of reserving a liberty to petitioners that if they have not submitted reply/submission, they will file the same within 48 hours so that concerned respondents could take final decision within four weeks, if there is no legal impediment.

3. Respondent no. 6, through another counsel, Sri B.K. Singh Raghuvanshi, filed Special Appeal No. 691 of 2026 (*Shivshankar Singh vs. Committee of Management, Nehru Vidyapeeth Inter College and 6 others*), contending that a counsel had appeared on his behalf without any Vakalatnama or authority and without informing the appellant, as a result of which the order came to be passed.

4. He further alleged that the submission to the effect that the elections were held on the basis of an electoral college, which was undisputed at the time of the alleged election held in the year 2009, is factually incorrect, as no elections were held in the year 2009.

5. In view of the aforesaid, the intra-court appeal was dismissed, leaving it open to the appellant to take appropriate steps in accordance with law, vide judgment dated 27.05.2026.

6. Now, respondent no. 6 has filed the present review application with similar allegations. Interestingly, a Vakalatnama has been filed on behalf of Sri Shivshankar Singh; however, an endorsement has also been made that there is no counsel for respondent no. 6.

7. I have also perused the Vakalatnama filed along with the caveat application, which was filed by Sri R.C. Dwivedi, Advocate in which there is a signature of Shivshankar Singh and the same has been verified by his counsel Sri R.C. Dwivedi.

8. At this stage, Sri R.C. Dwivedi, states that the signature on the Vakalatnama filed with the caveat is not his but has been made by his clerk namely Sri Rajesh Yadav. However he does not dispute his signature on the caveat application.

9. Sri R.C. Dwivedi, Advocate, has filed his personal affidavit wherein, in paragraph 18, he has submitted that Sri Shivshankar Yadav, along with his nephew, Sri Bhola Yadav, came to Allahabad and approached his office and handed over a copy of the order dated 10.04.2026 passed by the Joint Director of Education, along with the duly signed Vakalatnama of Sri Shivshankar Yadav (Singh), to the clerk of the deponent, Sri Rajesh Yadav. Sri Bhola Yadav, in the presence of Sri Shivshankar Yadav, also deposited Rs. 2,500/- with Sri Rajesh Yadav, the clerk of the deponent; and thereafter a caveat application on behalf of Sri Shivshankar Yadav was filed on 17.04.2026. For ready reference, paragraphs 18 and 19 of the affidavit dated 04.07.2026, filed today in Court and taken on record, are reproduced below:-

"18. That after the passing of the said order dated 10.04.2026, Sri Shiv

Shankar Yadav, along with his nephew Sri Bhola Yadav, came to Allahabad, and approached in the office of deponent and handed over the copy of order dated 10.04.2026 passed by Joint Director of Education and duly signed Vaklatanama of Shiv Shankar Yadav (Singh) to the clerk of the deponent namely Rajesh Yadav. Sri Bhola Yadav in the presence of Sri Shiv Shankar Yadav had also paid Rs. 2500/- in the hand of Rajesh Yadav, Clerk of deponent."

19. That thereafter, a caveat application was filed on behalf of Sri Shiv Shankar Yadav on 17.04.2026 against the order dated 10.04.2026.

10. Sri R.C. Dwivedi, Advocate, has also brought on record a number of writ petitions wherein he represented the same client, namely, Shiv Shankar Singh (Yadav), and has specifically stated that the averments made in the review application are absolutely false and warrant an inquiry. He further submits that, in the past also, such unscrupulous clients, after having obtained an order from the High Court, and subsequently finding it convenient to avoid the same, has come forward and filed a review applications, alleging that they had not instructed the previous Advocate, and on that basis seeks recall of the earlier order, which may subsequently not be conducive to or in their interest. He expresses his anguish, over his client, whom he submits, has represented since 2015.

11. From the perusal of the affidavit, it is apparent that Sri Shiv Shankar Singh (Yadav) has engaged the services of Sri R.C. Dwivedi on various other occasions and has been his client since at least 2015; therefore his conduct, is also to be examined, as this has direct repercussions on the administration of justice, since bar and bench being two wheels of the same chariot, works on mutual Trust.

12. The second aspect of the matter which requires consideration is on what basis, on the last occasion, a statement was made not only by the counsel for the petitioner but also by the then counsel for respondent no. 6 that the last undisputed elections took place in the year 2009.

13. On pointed query Sri R.C. Dwivedi, submits that since Sri

Shivshankar Singh (Yadav) was continuing since 1973 which has also not been disputed by the counsel appearing in the review application, therefore, a statement was made that the last undisputed elections was in the year 2009; but from the records it appears that the said election, was seriously disputed before this Court in Writ-C No.19276 of 2016 (Committee of Management Nehru Vidyapeeth Inter College, Rewatipur and others); and the Court prima facie found that the dispute between the parties as regards the holding of the elections of the year 2009, by Smt. Malti Rai and various orders purportedly signed by her, was under cloud and therefore, had observed, that the matter can only be decided after seeking her version on the same and accordingly had directed, that till the next date of listing, no election shall be held in pursuance of the impugned order dated 16.04.2016; wherein the said election was held to be doubtful and while concluding that no valid elected committee seems to be managing institution, the Joint Director of Education had directed the D.I.O.S., Ghazipur, under the supervisions of the Election Officer to be appointed by him, to hold the elections. However, the said writ petition was eventually dismissed as infructuous on 18.08.2023. In view of the aforesaid, the submission of Sri R.C. Dwivedi, also does not inspire confidence.

14. From the aforesaid it is evident that the order of Joint Director of Education dated 16.04.2016 holding from the evidence on record, that the election which was conducted by the Authorised Controller in the year 2009 was doubtful, had become final; and now fresh elections were to be held.

15. This Court finds that the aforementioned order was part of the record, however even then the counsel for the petitioner had concurred, at the time of passing of the order dated 05.05.2026, that the last undisputed election was of the year 2009; and hence has misguided this Court. Therefore, this Court finds that the statement of the petitioner's counsel Sri. S.C. Dwivedi and counsel for respondent no.6, were adverse to the documents on record; but whether they were on purpose is to be examined.

16. Now this Court has to examine the conduct of respondent no. 6 by

considering the allegation made against the earlier counsel, Sri R.C. Dwivedi, who has a long-standing practice in this Court. In paragraph 15 of the affidavit filed along with the review application, the deponent, Sri Shivshankar Singh (Yadav), has alleged that he did not give any power of attorney/Vakalatnama to any counsel to appear on his behalf in Writ-C No. 17384 of 2026 and that he never filed or instructed anyone to file a caveat application on his behalf. The said paragraph has been sworn on the basis of personal knowledge. He has further submitted that the only acceptable list was List 115-C, as per the judgment and order dated 04.01.1988 passed in Civil Appeal No. 199 of 1984, and that the entire election ought to have been held on the basis of the said list and not on the basis of the list on which the 2009 elections were held.

17. A perusal of the signature in the Vakalatnama filed along with the review application and the caveat filed earlier, shows that they are different. However, since serious allegations have been made, which has shaken the conscience of the Court, this Court finds it necessary that a personal affidavit of Bholu Singh may also be called for, and the record along with the Vakalatnama in the following writ petitions may be summoned to examine the signatures of Sri Shivshankar Singh (Yadav). If required, even an expert report may be called for at a later stage:-

- (i) Special Appeal No.514 of 2015, Shivshankar Yadav vs. State of U.P. and 5 others
- (ii) Special Appeal Defective No.750 of 2018, Committee of Management Nehru Vidyapeeth Inter College and 6 others vs. State of U.P. and 5 others
- (iii) Writ-C No.13896 of 2019, Awadhesh Kumar Rai and another vs. State of U.P. and 5 others
- (iv) Writ-C No.37100 of 2003, Committee of Management Nehru Vidyapeeth Inter College and others vs. State of U.P. and 4 others
- (v) Writ-C No. 312 of 2026, Committee of Management Nehru Vidayapeeth Inter College and another Vs. State of U.P. and 5 others.

(vi) Connect this petition with Writ-C No.12365 of 2024 (Bhola Singh Yadav vs. State of U.P. and 2 others.

18. Office is directed to compile all the Vakalatnama of the aforementioned petitions and place the same in a sealed cover, on the next date fixed.

19. Petitioner in Writ-C No.12365 of 2024 i.e. Sri Bhola Singh and Sri Shivshankar Singh (Yadav) shall file their personal affidavits, whether they had made available the Vakalatnama of Sri Shivshankar Singh (Yadav) to the clerk of Sri R.C. Dwivedi, Advocate or not. They may also submit their objection, to the personal affidavit filed by Sri R.C. Dwivedi, by the next date fixed; and also remain present before this Court, on the next date fixed.

20. List this case 13.07.2026 as fresh at 10.00 a.m.

(Siddharth Nandan,J.)

July 6, 2026
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