



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. On the request of Shri Santosh Kumar Singh, Advocate he is permitted to file impleadment application to implead Shri Bhola Singh Yadav in the array of respondents.
2. Personal affidavit filed on behalf of Shri Bhola Singh Yadav and Shri Shiv Shankar Singh (Yadav), is taken on record.
3. Shri S.C. Dwivedi, Advocate has filed affidavit of compliance on behalf of Shri Awadhesh Kumar Rai, which is also taken on record.
4. In compliance with this Court's order, Shri Bhola Singh Yadav and Shri Shiv Shankar Singh (Yadav) are present before this Court.
5. Shri Shiv Shankar Singh (Yadav) on a pointed query has submitted that he has never engaged the services of Shri R.C. Dwivedi, Advocate in the present case and last time he has visited him was in his chamber on 21.01.2026; and has filed a vakalatnama along with counter affidavit in Writ-C No.312 of 2026 (Committee of Management and another vs. State of U.P. and others).

6. I have examined the records of the writ petitions which were connected on the last occasion and also the personal affidavits filed on behalf of Shri Bhola Singh Yadav and Shri Shiv Shankar Singh (Yadav). The personal affidavit of Shri Shiv Shankar Singh (Yadav) categorically states that Shri Bhola Singh Yadav is relative of the deponent and he was appointed in the Clerical Staff of the Institution and had retired on 31.12.2020. In para-5 of the affidavit a categorical statement has been made that Shri Bhola Singh Yadav came to High Court with the deponent i.e. Shiv Shankar Singh; and Shri R.C. Dwivedi, Advocate was engaged in some matter; and on other occasions, Shri Shiv Shankar Singh (Yadav) had come to the High Court with his son; and lastly came to Allahabad High Court with his son on 24.01.2026 on the instructions of his Advocate Shri R.C. Dwivedi, for filing counter affidavit in Writ-C No.312 of 2026. For ready reference Para-5 of the affidavit dated 13.07.2026 is reproduced below:-

“5. That, admittedly on earlier occasion in some cases, Bhola Singh Yadav came to High Court with the deponent and Shri R.C. Dwivedi, Advocate was engaged in the matters. But on different occasions deponent came to High Court with his son only and lastly he came to Allahabad High Court with his son on 24.01.2026 on the instructions of his Advocate Shri R.C. Dwivedi for filing Counter Affidavit in Writ Petition No.312 of 2026 and on the same day from the photo identification centre High Court Allahabad, he got two photographs on the Roll of Sri R.C. Dwivedi Advocate and handed over the same to him and after completing the formalities he went back to Ghazipur and after that, he never came to Allahabad earlier.”

7. Further, he proceeds to state on affidavit that Shri Bhola Singh Yadav filed an impleadment application dated 14.07.2024 in Writ Petition No.37100 of 2003, filed by Shri Awadesh Kumar Rai and also filed separate Writ Petition No.12365 of 2024 (Bhola Singh Yadav vs. State of U.P. and others); and thereafter he became suspicious of the conduct of Shri Bhola Singh Yadav, and he also came to know that Shri Bhola Singh Yadav is in collusion with Shri Awadhesh Kumar Rai. He further submits that after 2024 the writ petition filed by Shri Bhola Singh Yadav, all the relations with him was totally finished. For ready reference para-6 of the affidavit is reproduced below:

“6. That, it is also pertinent to point out here that without any consultation to information and the deponent, Sri Bhola Singh Yadav in year 14/7/24 of 2024 filed Impleadment Application by his own affidavit in Writ Petition No. 37100 of 2023 (this writ petition was filed by Sri Awadhesh Rai) and Sri Bhola Singh Yadav also filed separate writ petition i.e. writ petition a no. 12365 of 2024 (Bhola Singh Yadav Vs. State of U.P. and others) and also moved the representation in his name to District Inspector of Schools Ghazipur. After the knowledge of above mentioned writ petitions and Representation to DIOS Ghazipur, the deponent came to know about the suspicious Act and Conduct of Sri Bhola Singh Yadav and also came to know that Sri Bhola Singh Yadav with the collusion of Sri Awadhesh Kumar Rai, playing a foul game with the intention capture the Institution by replacing to the deponent. Hence after 2024 writ petitions filed by Sri Bhola Singh Yadav, all the relations with him was totally to finished.”

8. It is also on record that Shri R.C. Dwivedi, Advocate moved an application for impleadment on behalf of Shri Bhola Singh Yadav in Writ Petition No.37100 of 2003 and he has also filed Writ Petition No.12365 of 2024, in view of the aforesaid, it is difficult to conceive that an Advocate who is filing writ petitions, as well as, the impleadment application on behalf of the very same person i.e. Shri Bhola Singh Yadav, whom the deponent alleges to have estranged relationship and also he states on affidavit that after 2024 writ petition filed by Shri Bhola Singh Yadav all the relations with him was totally finished; but still he again comes to Allahabad in the month of July, 2026 in the chamber of his Advocate, who now represents his other side; and filed his counter affidavit in Writ Petition No.312 of 2026 (Committee of Management Nehru Vidyapeeth Inter College and others vs. State of U.P. and others). Clearly after the filing of the writ petition of 2024, on behalf of the contesting respondents i.e. Bhola Singh Yadav, there was a conflict of interest of the Shri R.C. Dwivedi, Advocate; but still if the case of Shri Shiv Shankar Singh (Yadav) is to be accepted, then still he had approached him to file counter affidavit in Writ Petition No.312 of 2026 filed by Shri Awadesh Kumar Rai, which as per his own affidavit was colluding with Shri Bhola Singh Yadav. Prima facie, this Court is unable to accept the explanation of Shri Shiv Shankar Singh (Yadav).

9. I have also perused the personal affidavit filed today in the Court of Shri Bhola Singh Yadav and the stand which he has taken in the said

affidavit is that Shri Shiv Shankar Singh (Yadav) came to Allahabad in the 2nd week of April, 2026 and both of them together visited the residence of Shri R.C. Dwivedi, Advocate. For ready reference paras-4 and 11 are reproduced below:

“4. That accordingly, the deponent along with his maternal Uncle Sri Shiv Shanker Yadav came to Allahabad in second week of April, 2026 and both of them visited the residence of Sri R.C. Dwivedi, Advocate and the deponent deposited a sum of Rs. 2,500/- with the Clerk of Shri R.C. Dwivedi, Advocate provided to him by Sri Shiv Shanker Yadav for the purposes of filing a Caveat Application.

11. That the contents of paragraph no.14 of the said Personal Affidavit are not disputed to the extent that the deponent had accompanied Sri Shiv Shanker Yadav on 24.01.2026. Rest of the averments, being matter of record, do not call for any reply from the deponent.”

10. From the aforesaid, it is evident that there is clearly a conflict in the stands taken by Shri Bhola Singh Yadav and Shri Shiv Shankar Singh (Yadav). No matter, whoever's version is correct but one thing is certain that none of the parties support the version of handing over the vakalatnama to Shri R.C. Dwivedi, Advocate; and this Court is unable to accept that Shri R.C. Dwivedi, Advocate, would manufacture the vakalatnama. Though he has accepted false verification of the signature of Shri Shiv Shankar Singh (Yadav), on the vakalatnama, by his clerk. This aspect shall be considered on the next date.

11. In view of the aforesaid, now I am adverting to the merits of the case. This Court, vide its order dated 29.04.2016 passed in Writ-C No. 19276 of 2016 (Committee of Management Nehru Vidyapeeth Inter College, Revatipur and another vs. State of U.P. and others), filed at the behest of Shri Awadhesh Kumar Rai, after examining the arguments of the parties regarding the validity of the elections, have observed that in the order dated 16.04.2016 passed by the Joint Director of Education, whereby, on the basis of the records, he had categorically stated that the elections said to have been held by the Authorized Controller in the year 2009 were doubtful, and thereafter concluded by holding that no duly elected Committee seemed to be managing the Institution; and directed that fresh elections be held by the District Inspector of Schools, Ghazipur,

under the supervision of an Election Officer to be appointed by him; and which order was the subject matter of challenge in Writ-C No. 19276 of 2016.

12. Thereafter, prima facie, this Court held that the dispute between the parties is with regard to holding of the election of the year 2009 by Smt. Malti Rai and whether various orders purportedly signed by her or not, in the opinion of the Court, cannot be decided without seeking her version on the same. In view of the aforesaid, till the next date listing, no elections were directed to be held, vide order dated 29.04.2016.

13. The District Inspector of Schools-Smt. Malti Rai, wrote a letter to Joint Director of Education, Varanasi Region, Varanasi on 23.07.2016, wherein, an observations was made that the District Inspector of Schools vide its letter dated 09.09.2009 had approved the list 115-C (213 Members) for holding the elections and Smt. Malti Rai has specifically denied her signature on the election proceedings nor such proceedings are there on the dispatch register. For ready reference letter dated 23.07.2016 is reproduced below:

“प्रेषक,

जिला विद्यालय निरीक्षक

चन्दौली

सेवा में,

संयुक्त शिक्षा निदेशक

वाराणसी मण्डली वाराणसी

पत्रांक संख्या / 316 / 2016-17/ दिनांक 23.07.2016

विषय:- माननीय उच्च न्यायालय में योजित याचिका संख्या 19276/16 नेहरू विद्या पीठ इण्टर कालेज देवतीपुर गाजीपुर में पारित आदेश दिनांक 29.04.2016 के सम्बन्ध में आख्या।

महोदय,

उपर्युक्त विषयक आपके पत्रांक प्रबन्धक-3/1465-67/16-17 दिनांक 11.05.2016 के द्वारा माननीय उच्च न्यायालय इलाहाबाद में योजित याचिका संख्या 19276/16 में पारित आदेश दिनांक 29.04.2016 के अनुपालन में नेहरू विद्यापीठ इण्टर कालेज रेवतीपुर गाजीपुर की प्रबन्ध समिति के चुनाव वर्ष 2009 के सम्बन्ध में अवगत कराना है कि मैं जिला विद्यालय निरीक्षक गाजीपुर के पद पर दिनांक 17.06. 2008 से 18.11.2009 तक कार्यरत रही, मेरे कार्यकाल में नेहरू विद्यापीठ इण्टर कालेज रेवतीपुर गाजीपुर के प्रबन्ध समिति का चुनाव कराया जाना मेरे संज्ञान में नहीं है। जैसा कि निम्नलिखित संलग्न पत्राजातो से स्पष्ट है।

1. जिला विद्यालय निरीक्षक गाजीपुर के पत्रांक शि/548/9-10 दिनांक 9.9. 2009 द्वारा विद्यालय के प्रबन्ध संचालको न्यायालय द्वारा मान्य 115 बी की 231 सदस्य वाली सूची से चुनाव कराने की अनुमति प्रदान की गयी है जबकि प्रबन्ध संचालक के प्रबन्ध/01/09/10 दिनांक 22.09.2009 द्वारा जिला विद्यालय निरीक्षक से चुनाव कराने की अनुमति एवं

पर्यवेक्षक नियुक्ति किये जाने का अनुरोध किया गया है, वो पत्रक मेरे हस्ताक्षर द्वारा निर्गत नहीं किया गया है। छायाप्रति संलग्न उक्त दोनो पत्रों में स्वयं ही विरोधाभासीय स्थिति प्रकट होती है क्योंकि प्रबंध संचालक द्वारा चुनाव कराने की अनुमति की मांग की जानी चाहिए तत्पश्चात ही जिला विद्यालय निरीक्षक द्वारा किसी विवाद की स्थिति में होने की स्थिति में भी चुनाव कराने की अनुमति प्रदान की जाती है। इस प्रकार यह दोनो पत्र फर्जी एवं कूटरचित तरीके से तैयार किया गया है।

2. इसी प्रकार जिला विद्यालय निरीक्षक गाजीपुर के पत्र दिनांक 15.10.2009 द्वारा श्री व्यासमुनि राय प्रवक्ता राजकीय सिटी इण्टर कालेज गाजीपुर को पर्यवेक्षक नियुक्ति किया गया है जिसमें प्रबन्ध संचालक को अवगत ही नहीं कराया गया है। यह भी पत्र कूटरचित एवं फर्जी व मेरे हस्ताक्षर से निर्गत नहीं है (संलग्न है 15.10.09 के पत्र की छाया प्रति)

3. तत्कालीन जिला विद्यालय निरीक्षक श्री भाष्कर मिश्रा के पत्र पत्रांक /शि/825/10-11 दिनांक 06.08.2010 द्वारा उक्त संस्था की प्रबन्ध समिति के सम्बन्ध में संयुक्त शिक्षा निदेशक वाराणसी मण्डल वाराणसी को प्रेषित आख्या के पैरा सी 04 में स्पष्ट रूप से उल्लेखित किया गया है कि अप्रैल 09 से 15.10.2009 के मध्य मात्र 02 नम्बर डिस्पैच हेतु प्रयोग किया जाना असंभव प्रतीत हो रहा है। इससे यह स्पष्ट है कि उक्त पत्र कार्यालय के डिस्पैच पंजिका में अंकित नहीं है इस प्रकार आख्या में यह भी उल्लेख किया गया है कि श्रीमती राय द्वारा प्रस्तुत चुनाव सम्बन्धित पत्रजातो तथा चुनाव कार्यक्रम प्रकाशित कराने की अनुमति, चुनाव अधिकारी की नियुक्ति, चुनाव पर्यवेक्षक की नियुक्ति, विषयक पत्र कार्यालय के डिस्पैच पंजिका में अंकित नहीं है।

तत्कालीन जिला विद्यालय निरीक्षक श्री भाष्कर मिश्रा की आख्या दिनांक 06.05.2010 के समग्र अवलोकन से स्वतः स्पष्ट है कि मेरे कार्यकाल में संदर्भित संस्था की प्रबन्ध समिति के चुनाव सम्बन्धित मेरे हस्ताक्षर से निर्गत सभी पत्र फर्जी एवं कूटरचित है।

कृपया उपरोक्तानुसार आख्या एवं संलग्न कर अवलोकनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक:- उपरोक्तानुसार ।

भवदीय

(डा० मालती राय)

जिला विद्यालय निरीक्षक चन्दौली"

14. It has been submitted that Writ Petition No.19276 of 2016 was eventually dismissed as infructuous by the consent of both the parties. For ready reference order dated 18.08.2023 is reproduced below:

“1. Learned counsel for the petitioner states that the writ petition has become infructuous and therefore it may be dismissed as infructuous to which learned counsel for respondents has no objection.

2. In view of the aforesaid, the writ petition is dismissed as infructuous.

3. Interim order, if any, stands vacated.”

15. The effect of the dismissal of the aforesaid writ petition and too by consent of both parties can only lead to the conclusion, that the order dated 16.04.2016 passed by the Joint Director of Education has attained finality and, as such, there were no valid elections stated to have been held in the year 2009; and a fresh election ought to have been held.

However, at this stage, this Court only records the aforesaid submission, for the purposes of deciding the review application.

16. This Court now proceeds to form the following points of determination the following opinion:-

(i) Considering the affidavits which have been filed by the parties, the averments made in the affidavit filed along with the review application, are to be dealt with and it is to be whether it amounts to fraud on the court and it is to be treated as one affecting administration of justice? .

(a) In the review application, the vakalatnama of Shri Shiv Shankar Singh (Yadav) is alleged to have been filed, which has been duly verified by Shri R.C. Dwivedi, Advocate. However, as recorded in the previous order, Shri R.C. Dwivedi, Advocate, had stated that his clerk, Shri Rajesh Yadav, had verified the signature on the vakalatnama and that he had only signed the application. Even if the said version is found to be correct, then whether Shri Rajesh Yadav, Clerk, is guilty of filing forged documents before this Court?

17. In order to proceed further, this Court is of the view that following directions be issued for the Signature Expert:-

(i) The signature of Shri R.C. Dwivedi, Advocate (A/R-0992/2012) by way of verification on the vakalatnama, filed in the caveat application and on the caveat application itself, is to be examined by the signature expert, as to whether, the said signature has been made by one and very same person.

(ii) Secondly, the signature of Shri Shiv Shankar Singh (Yadav) on the vakalatnama along with the caveat application, as well as, his signature in vakalatnama filed in Writ Petition No.312 of 2026, (which is admitted to be his own) is also be compared; and a report to be submitted as to whether the signature on the vakalatnama of the caveat application and the signature of the vakalatnama in Writ Petition No.312 of 2026 is that of one and the same person.

(iii) Thirdly, it is also to be compared whether the signature on the caveat application and Writ Petition No.13896 of 2019 is of the one and same person.

18. In view of the aforesaid, the Bench Secretary is directed to keep the caveat application in Writ Petition No.17384 of 2026 and Writ Petition No.13896 of 2019, as well as, vakalatnama in Writ Petition No.312 of 2016 in a sealed cover, which was produced in compliance of the order dated 05.05.2026 and was directed to be opened by the Bench Secretary.

19. Office is directed to restore the remaining vakalatnama in their respective writ petitions, except the vakalatnama which has been directed to be kept in a sealed cover, to be examined by a “Signature Expert”.

20. In view of the aforesaid, the Registrar (Judicial) is directed to arrange for a “Signature Expert” and handover the 3 vakalatnamas as stated herein above and being kept in a sealed cover, requiring the Signature Expert to submit his/her report as directed herein above, within a period of 2 weeks from today.

21. List this case on 28.07.2026, in top ten cases, along with a copy of the Signature Expert’s report, in a sealed cover.

22. Shri Bhola Singh Yadav and Shri Shiv Shankar Singh (Yadav) are directed to be present on the next date fixed.

(Siddharth Nandan,J.)

July 13, 2026

S.Prakash