



2026:AHC-LKO:60818-DB

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 6556 of 2026

**Masihunnisa Degree College
Thru. Manager Abida Banno
And Another**

.....Petitioner(s)

Versus

**State Of U.P. Thru. Prin.
Secy. Higher Edu. Deptt.
Lko. And 4 Others**

.....Respondents(s)

Counsel for Petitioner(s)	:	Praveen Chandra
Counsel for Respondent(s)	:	C.S.C., Nitin Srivastava, Pramod Kumar Shukla, Pravin Kumar Singh

Court No. – 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. The Impleadment application filed by Uzma Faheen claiming to be the Elected Manager of the Managing Committee of Maseehunnisa Degree College, Khajohna, District-Hardoi has been taken on record and is *allowed*.

2. Heard Sri Praveen Chandra, learned counsel for the petitioner, Sri Nitin Srivastava, learned counsel for the respondent-Bank and Sri Pramod Kumar Shukla, learned counsel for the newly impleaded respondent no. 6.

3. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has sought for the following substantial reliefs:-

"(i) Issue a writ, order or direction in the nature of Mandamus commanding the respondent banks to permit operation of the bank accounts of the Maseehunnisa Degree College, Khajohna. District-Hardoi and to recognize the petitioner as the authorized Manager/signatory for operation of the said accounts unless restrained by any competent court or statutory authority.

(ii) Issue a writ, order or direction commanding the respondents not to interfere with the lawful functioning of the Institution and its bank accounts except in accordance with law."

4. The present writ petition has been filed by one Ms. Abida Bano, D/o Akhtar Ahmad Syed claiming herself to be the Manager of the Maseehunnisa Degree College, Khajohna, District- Hardoi seeking direction to the Banks arrayed as respondent nos. 2 to 5 to permit her to operate the college's bank accounts and also to re-cognize her as the authorized Manager/signatory for that purpose.

5. Although in the first blush the aforesaid prayer appears to be unobjectionable and a no brainer. However, on a closer scrutiny and on a direct query of this Court as to since when the petitioner had been denied operation of the bank accounts, learned counsel for the petitioner submitted that the accounts have been frozen and rendered inoperative since 2020.

6. The answer immediately raised doubt, since the petition contains no averment of the circumstances in which the petitioner was denied operation of the accounts. The only submission advanced was that a representation dated 15.05.2026 had been made to the respondent-Banks for restoration of the accounts, which went unacknowledged.

7. Sri Pramod Kumar Shukla, learned counsel appearing for the newly impleaded respondent no. 6 has submitted that there exists substantial facts and grounds explaining why the petitioner has not been permitted to operate the college's Bank Accounts and that by suppressing these material facts in the present writ petition, the petitioner is guilty of *suppressio veri suggestio falsi* (suppression of truth being equivalent to the suggestion of falsehood).

8. Mr. Shukla has taken this Court through the impleadment Application, which discloses a long-running Management dispute in the Society, namely, Kishan Shiksha Sansthan, Jaitnagar, which runs the petitioner-college (Maseehunnisa Degree College, Khajohna. District-Hardoi). The said society being duly registered with Office of the Deputy Registrar of Firm Society and Chit, Lucknow and one Dr. Ahmad Saeed was the Founder Manager of the said Society, who left for his heavenly abode on 15.01.2020.

9. Apparently, the dispute arose after the death of the aforesaid Founder Manager for control of the management of the said society between two groups; one headed by Abida Banno, (the petitioner no. 1) and other by Ujma Faheem, (the newly impleaded party), both daughters of Late Dr. Akhtar Ahmad Saeed and real sisters.

10. It has been brought on record that at the time of death of Dr. Akhtar Ahmad Saeed, the petitioner No.1 was holding the post of Deputy Manager in the Society. It is alleged that she secured renewal of the society on 20.02.2020 on the basis of some fabricated proceedings and meetings of the Society by forging signatures. Uzma Faheen, having come to know about the said renewal, approached the Deputy Registrar, Lucknow, who, by order dated 26.11.2020 cancelled the renewal certificate of the Society granted on 20.02.2020 under the provisions of Section 12(D)(1)(C) of the Society Registration Act, 1860 and also

directed that elections be held under the registered by-laws within one month.

11. The Petitioner No.1 challenged the order dated 26.11.2020 by means of a writ petition bearing no. 182 (M/S) of 2021 wherein, this Court vide an order dated 07.01.2021 *dismissed* the writ petition on the ground of alternative remedy, relegating the matter to the Commissioner, Lucknow Division.

12. The Commissioner, Lucknow Division also did not find any favour with the challenge made by the petitioner as the Appeal was dismissed vide an order dated 27.01.2022 which again came to be challenged before this Court vide *Writ-C No. 1954 of 2022* by the petitioner no. 1. No interim order was granted in that petitioner, and it came to be *dismissed* for want of prosecution on 14.11.2025 to which a restoration application is stated to be pending.

13. Meanwhile, it seems that armed with renewal certificate dated 20.02.2020, the petitioner applied for affiliation of the petitioner's College from Chatrapati Sahu Ji Maharaj, University, Kanpur, which was conditionally approved an order dated 20.08.2020, subject to the outcome before the Deputy Registrar, Lucknow.

14. In the interregnum, in view of the directions of the Deputy Registrar, Lucknow, Election of the Executive Committee of the Society was conducted on 22.12.2020 and was submitted to him on 23.12.2020. However, in the meantime, certain complaints dated 23.12.2020 and 30.12.2020, came to be filed by one Mujeeb Hasan, husband of the petitioner no. 1-Abida Bano, alleging irregularities during the Elections, however, the said complaints were rejected by the Deputy Registrar, Lucknow, vide an order dated 03.03.2021, who simultaneously approved the elections.

15. Again, the order of approval of the Election dated 03.03.2021 passed by the Deputy Registrar was challenged by Ms. Abida Bano in writ petition no. 7723 (M/S) of 2021 and vide an order dated 19.08.2021 the said approval was set aside and the Deputy Registrar was directed to give proper notice and opportunity of hearing to the parties before deciding the matter finally within a period of three months. Obviously, Uzma Faheem, not being happy with the said order of Ld. Single Bench of this Court preferred a *Special Appeal (Defective) No. 359 of 2021* before a Division Bench of this Court, wherein, by an order dated 28.09.2021 an interim order was passed, staying operation of the order of the learned Single Bench of this Court.

16. However, the matter does not rest there, as subsequently, Abida Banno aggrieved by the aforesaid interim order dated 28.09.2021 passed by a Co-ordinate Division Bench of this Court, preferred a *Special Leave Petition (Civil) bearing no. 4991-4992 of 2022* before the Hon'ble Supreme Court, which came to be *dismissed* vide an order dated 25.03.2022.

17. Subsequently, the Special Appeal preferred by Uzma Faheem came to be *allowed* by the Division bench of this Court, vide a judgment and order dated 25.01.2023, setting aside the judgment and order dated 19.08.2021 passed by the learned Single Bench of this Court, was according the writ petition filed before this Court challenging the order of approval of election dated 03.03.2021 by the Deputy Registrar was also *dismissed*.

18. Thus, prima facie, by allowing of the aforesaid Special Appeal the approval of the Election granted by the Deputy Registrar, Lucknow, vide an order dated 03.03.2021 has attained finality. It is also relevant to mention that in the meantime, Abida Banno got registered a new Society in the name and style of 'Maseehunnisa Degree College Samiti' having similar address and applied for affiliation of the College before the

University of Lucknow on the basis of the said newly registered Society concealing the fact that the parent Society of the petitioner's College was 'Kishan Shiksha Sansthan', Jaitnagar at the very same address.

19. In any case, since the University of Lucknow vide its order dated 27.02.2021 granted approval to the Executive Committee of the petitioner's college. On learning of the said approval, the duly elected President of Kishan Shiksha Sansthan, Jaitnagar Society preferred a complaint to the Registrar of University of Lucknow, alleging fraud by Ms. Abida Banno.

20. On the said complaint, the Registrar after conducting enquiry, cancelled the approval dated 27.02.2021 and subsequently, on an application filed by the Kishan Shiksha Sansthan, Jaitnagar Society seeking affiliation from the University of Lucknow constituted a three members committee to scrutinize the validity of the Executive Committee of the petitioner's college.

21. After inviting objections and affording adequate hearing, the University of Lucknow, by order dated 26.05.2022, approved the Executive Committee headed by Uzma Faheen's group.

22. Yet another writ petition bearing no. *Writ-C No. 3698 of 2022* came to be filed by one Arun Prajapati claiming himself as Vice President of the said college challenging the order dated 26.05.2022 before a Single Bench of this Court, which was *dismissed* by this Court on 20.06.2022 on the ground of availability of alternative remedy of appeal under Section 57 (iii) of the U.P State University Act, 1973.

23. The said Arun Prajapati, thereafter approached the Office of Special Secretary, Higher Education, Lucknow in Appeal, wherein Uzma Faheem filed her objection and the Secretary Higher Education, Lucknow

by means of an order dated 31.01.2023 rejected the affiliation dated 26.05.2022 issued to the petitioner-college by the University of Lucknow, making several observations, including (i) the rejection order was subject to the outcome of *Special Appeal No. 359/2021*, which itself was decided on 25.01.2023, i.e. before the passing of rejection order, (ii) direction to the Registrar of Lucknow University to determine the parent society of the petitioner's college, (iii) continuation of the managing committee approved by the Deputy Registrar on 20.08.2020 till 16.07.2023 and permit that managing committee to operate the Bank accounts as per the rules.

24. Obviously, Uzma Faheem was aggrieved by the aforesaid rejection of the affiliation by the Special Secretary Higher Education, Lucknow and has preferred *Writ-C No. 2013 of 2023*, in which a learned Single Judge of this Court by order dated 17.03.2023 has stay the Special Secretary's order dated 31.01.2023.

25. Learned counsel for the newly impleaded respondent submits that, on these facts, Abida Banno has no *locus standi* to maintain the present petition as "Manager," since she no longer holds that office and cannot claim to operate the college's bank accounts. It is further submitted that the present petition suppresses the material fact that Abida Banno was arrayed and duly represented as respondent no. 8 in the very writ petition in which the stay order dated 17.03.2023 was passed.

26. Having heard the learned Counsel for the parties and perused the record, this Court is of the considered view that the petitioner has deliberately withheld the intervening facts between the year 2020 to 2023, for obvious reasons of keeping this Court in the dark, so as to mislead and obtain a favourable order from this Court by camouflaging the 'heavily contested management of society dispute' into an alleged *simplicitor* case of de-freezing the Bank accounts, which gets frozen due to cyber frauds etc. This Court has purposely narrated the aforesaid facts in order to convince itself the gravity and extent of suppression of fact by

the petitioner No.1 while filing the present Petition, which cannot be brushed aside to be ordinary and trifle. The petitioner according to this Court was under a bounden obligation to disclose all material facts which have a bearing on the adjudication of the present writ petition, which it deliberating failed to discharge.

27. Indeed, there appears to have been no intention to disclose even the said year of 2020 as we find that the mention of the said year had been not a part of the original typed writ petition as the same came to be inserted subsequently by hand-writing and pushing the same in paragraph No. 11 of the petition. Even, when directly questioned as to since when the Bank Accounts had been frozen, the petitioner did not disclose the true facts and continued to rely solely on the representation made to the Banks for restoration of access to the Bank Accounts.

28. This conduct reflects poorly on the petitioner, particularly given that she has been an active participant in the long-drawn dispute between the two factions of the society, one of which she herself heads. The record shows that she was arrayed and duly represented as respondent no. 8 in the writ petition in which the interim order referred to above was passed, and was therefore well aware of it, a fact which, on a fair reading, itself precludes her from being permitted to operate the bank accounts at this stage. A litigant invoking the extraordinary jurisdiction of this Court is expected to come with clean hands, a clear mind, and complete candour. According to this Court, such suppression amounts to an attempt to mislead this Court as omission to disclose the stay order, together with concealment of prior proceedings, clearly demonstrates a deliberate attempt to suppress material facts. Time and again the Hon'ble Court have held that these suppression and/or concealment of material facts is not a mere irregularity, but amounts to playing fraud upon the Court as the duty of disclosure extends not only to facts supporting the petitioner but equally to those adverse to it.

29. The law is no longer *res integra* that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. Suppression of material facts from the Court of law, is actually playing fraud with the Court. The maxim *supressio veri, expression falsi*, i.e. suppression of truth is equivalent to the expression of falsehood, gets attracted in such cases including the present one. The Hon'ble Supreme Court in the case of ***Dalip Singh v. State of Uttar Pradesh and others*** reported in **(2010) 2 SCC 114**; has held as under:

"1. For many centuries Indian society cherished two basic values of life i.e. "satya" (truth) and "ahimsa" (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice delivery system which was in vogue in the pre- Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final."

30. In ***Prestige Lights Ltd. v. SBI***, reported in **(2007) 8 SCC 449**; it was held that in exercising power under Article 226 of the Constitution of India, the High Court is not just a Court of law, but is also a Court of equity and a person who invokes the High Court's jurisdiction under Article 226 of the Constitution, is duty-bound to place all the facts before the Court without any reservation. If there is suppression of material facts or twisted facts have been placed before the High Court then it will be fully justified in refusing to entertain a petition filed under Article 226 of the

Constitution of India. The Apex Court referred to the judgment of ***Scrutton, L.J.***, in ***R. v. Kensington Income Tax Commissioners*** reported in ***[(1917) 1 KB 486 (CA)]***, and observed at *para 35* of the said report:

“In exercising jurisdiction under Article 226 of the Constitution, the High Court will always keep in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, then the Court may dismiss the action without adjudicating the matter on merits. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible.”

31. Similarly, in ***Ramjas Foundation v. Union of India***, reported in ***(2010) 14 SCC 38***; the case law on the subject was discussed. It was held that if a litigant does not come to the Court with clean hands, he is not entitled to be heard and indeed, such a person is not entitled to any relief from any judicial forum. It was observed;

"21. The principle that a person who does not come to the court with clean hands is not entitled to be heard on the merits of his grievance and, in any case, such person is not entitled to any relief is applicable not only to the petitions filed under Articles 32, 226 and 136 of the Constitution but also to the cases instituted in others courts and judicial forums. The object underlying the principle is that every court is not only entitled but is duty bound to protect itself from unscrupulous litigants who do not have any respect for truth and who try to pollute the stream of justice by resorting to falsehood or by making misstatement or by suppressing facts which have a bearing on adjudication of the issue(s) arising in the case."

32. Having regard to the above authorities and the facts and circumstances of the present case, this Court is of the firm view that the present writ petition has been filed as a gross abuse of the process of law on account of deliberate suppression of material facts, and as such is liable to be dismissed with exemplary cost.

33. Accordingly, keeping in view the gravity of the matter and the wastage of precious Judicial time, the writ petition is *dismissed with deterrent exemplary cost of Rs.1,00,000/-* upon the petitioners, which shall be deposited by them jointly and/or severally, with the Uttar Pradesh State Legal Services Authority, Lucknow within a period of one month from today, failing which, the same shall be executable as arrears of land revenue.

34. However, before parting, we make it clear that we have not adjudicated on the rights and obligations of the parties, nor decided as to who is legitimately authorized to operate the Bank Accounts of the petitioner college as the same is subject to the orders of the Deputy Registrar of Firm Society and Chit, Lucknow and/or the directions made in *Writ-C No. 2013 of 2023*, presently pending before the learned Single Judge of this Court.

(Abdhesh Kumar Chaudhary, J.) (Shekhar B. Saraf, J.)

August 24, 2026

Anuj Singh