



2026:AHC:178254

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

Reserved
AFR

Court No. - 6

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Sri S.C. Dwivedi, learned counsel for 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. 106 of 2026 in the aforesaid writ petition. This Court by order dated 05.05.2026 had disposed of the writ petition being Writ-C No.17384 of 2026, with the following directions:-

“(i) The Respondent No.2- Director of Education, Madhyamik Shiksha Parishad, Allahabad/Prayagraj, is directed to ensure that the D.I.O.S. District- Azamgarh, proceeds to hold the elections of Nehru Vidyapeeth Intermediate College, Reotipur, Ghazipur, within a period of two months from the date of service of a certified copy of this order.

(ii) In case required, it shall be open for the D.I.O.S., Azamgarh to seek the help of Administration and on such a request, the State Administration shall be obliged to provide necessary police protection etc., for the purposes of holding the elections.

(iii) Since, both the parties have agreed to the electoral college, which was undisputed, at the time of the election, said to have been held in the year 2009; the D.I.O.S., Azamgarh, may take the said list into consideration, while determining the electoral list; and proceed to hold the elections, as per the Scheme of Administration, of the Institution in question.

(iv). The elections shall be held within the premises of "Rajkiya City Inter College, Ghazipur", as agreed between the parties, and to which the learned Standing Counsel has no objection.

(v) The order dated 10.04.2026, stands modified, to the extent of the directions, given herein above."

2. However, subsequently a Review Application has been filed on behalf of one Shri Shiv Shankar Singh, who was arrayed as respondent No. 6 in the aforesaid writ petition. The applicant alleged himself to be the elected Manager of the Committee of Management and disputes that the petitioner no. 2, not being a member of the General Body, had filed the present writ petition, with ulterior motive; and also tried to change the name of the Society and convert the same into a Trust. Apart from the other averments on affidavit, what was surprising to note is that the deponent states on oath that he had not given any power/Vakalatnama to any counsel to appear on his behalf in Writ Petition No. 17384 of 2026, and furthermore, that he never filed or gave instructions to anyone to file the Caveat Application on his behalf.

3. It appears that the applicant had earlier filed Special Appeal No. 691 of 2026 against the judgment dated 05.05.2026 (Shiv Shankar Singh Vs. Committee of Management, Nehru Vidyapeeth Inter College and 6 others) and the same was dismissed by a Division Bench of this Court vide judgment dated 27.05.2026, leaving it open to the appellant to take appropriate steps in accordance with law; and thereafter the present Review Application has been filed.

4. The matter being taken up on 06.07.2026 and having heard the Advocates appearing, the Court had again examined the assertions with respect to the alleged election held in the year 2009, which was stated by

Shri S.C. Dwivedi appearing on behalf of petitioner and Shri R.C. Dwivedi appearing on behalf of respondent No. 6, to be undisputed.

5. In the review application vakalatnama has been filed on behalf of Shiv Shankar Singh, who has been arrayed as respondent no. 6 in the aforesaid writ petition; but at the bottom an endorsement has been made to the effect that "No Counsel for respondent no. 6".

6. Interestingly, a Vakalatnama was also filed along with the Caveat Application, which was filed by Sri R.C. Dwivedi, Advocate, in which there is a signature of Sri Shiv Shankar Singh and the same has been verified by Sri R.C. Dwivedi, Advocate. However, the stand of Sri R.C. Dwivedi before this Court was that the signature on the Vakalatnama filed with the Caveat Application 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. Sri R.C. Dwivedi, Advocate, has filed his personal affidavit, wherein in paragraph-18, he has stated that Sri Shiv Shankar Singh, 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 duly signed Vakalatnama of Sri Shiv Shankar Singh, to his clerk, Sri Rajesh Yadav.

7. He has further submitted that Bhola Yadav, in the presence of Shiv Shankar Yadav, also deposited Rs.2,500/- with Rajesh Yadav, the clerk of the deponent; and thereafter the Caveat Application on behalf of Shiv Shankar Yadav was filed on 17.04.2026. For ready reference, para-18 and 19 of the affidavit dated 04.07.2026, is reproduced below :-

"18. That after passing of the order dated 10.04.2026, Sri Shiv Shankar Yadav along with his nephew Sri Bhola Yadav came to Allahabad and approached the office of the deponent and handed over a copy of the order dated 10.04.2026 passed by the Joint Director of Education and a duly signed Vakalatnama of Shiv Shankar Yadav to the clerk of the deponent, namely, Sri Rajesh Yadav. It is further stated that Sri Bhola Yadav, in the presence of Sri Shiv Shankar Yadav, had also paid a sum of Rs. 2,500/- to Sri Rajesh Yadav, Clerk of the deponent.

19. That thereafter, a Caveat Application was filed on behalf of Sri Shiv12484 Shankar Yadav on 17.04.2026 against the order dated 10.04.2026.”

8. Before proceeding further, I may note that Sri R.C. Dwivedi, Advocate is practicing before this Court for the last more than thirty years and has an impeccable reputation; and he has also come forward by way of filing his personal affidavit, narrating the true facts which also indicates towards the general practice in the chambers of the Advocates, that is the clients often hand over the Vakalatnama to the clerks of the Advocates along with a nominal fee, in case an application is to be filed. It may also be noted that a caveat application is accepted by the Registry, without any supporting affidavit and as such, though this Court does not approve the practice but is constrained to note that at most of the time, the caveat applications are prepared in the chambers of the Advocates and signatures appended by the concerned Advocate on the application without a much a do. It is also a general practice that in case a client of an Advocate, is engaging his services over a period of time, the signatures are also verified by the Advocates themselves.

9. Sri R.C. Dwivedi, Advocate has brought on record the details of number of writ petitions wherein, he has represented the same client, namely, Sri Shiv Shankar Singh (Yadav) and has specifically stated that the averments made in the review application are absolutely false and warrants an inquiry.

10. From the perusal of the affidavit, it is apparent that Sri Shiv Shankar Singh (Yadav) has engaged the services of Sri R.C. Dwivedi, Advocate on previous occasions and has been his client since 2015; therefore, this Court is also to examine the conduct of the applicant before this Court, as it has a direct repercussion on the administration of justice, since Bar and Bench being two wheels of the same chariot, works on a mutual trust.

11. The second issue which this Court is required to examine is that, a statement was also made by Sri S.C. Dwivedi, Advocate on behalf of the petitioners that the last undisputed election took place in the year 2009

and as to whether there was any concealment on his part. However, before proceeding to examine the conduct of Sri S.C. Dwivedi, Advocate, the stand of the then counsel for respondent No. 6, Sri R.C. Dwivedi, may be dealt with.

12. Shri R.C. Dwivedi, Advocate submits that Shri Shiv Shankar Singh (Yadav) was continuing since 1973 as a Manager, which has also not been disputed by Shri B.K. Singh Raghuvanshi, Advocate appearing on behalf of the applicant in the Review Application; however from the perusal of the record in Writ-C No. 19276 of 2016 (Committee of Management, Nehru Vidyapeeth Inter College, Rewatipur and others), it is to be found that the dispute between the parties as regards holding of the election of the year 2009 by Smt. Malti Rai, the then District Inspector of Schools, was writ large, and was under serious cloud, wherein order dated 16.04.2016, was under challenge.

13. It also appears that the said writ petition was eventually dismissed as infructuous on 18.03.2023; and in view of the aforesaid the submission of Shri R.C. Dwivedi, Advocate as well as the stand taken by Shri S.C. Dwivedi, Advocate also does not inspire confidence.

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

15. This Court finds that the aforesaid order was part of the record, however, even then the learned counsel for the petitioners, Shri S.C. Dwivedi, had given an impression, at the time of passing of the order dated 05.05.2026, that the last undisputed election was of the year 2009; and hence had misguided this Court. Therefore, this Court finds that the statement of the petitioner's counsel, Shri S.C. Dwivedi and the learned counsel appearing on behalf of respondent no. 6, Shri R.C. Dwivedi, Advocate, were adverse to the documents on record.

16. Shri R.C. Dwivedi filed his personal affidavit dated 04.07.2026, in which he had submitted that admittedly Shri Shiv Shankar Singh (Yadav) engaged his services for filing Special Appeal No. 514 of 2015 against an order passed in Civil Misc. Writ Petition No. 38153 of 2015, and since then Shri Shiv Shankar Singh (Yadav) had continuously engaged the deponent as his counsel, right up to the year 2026. He further submits that Shri Shiv Shankar Singh (Yadav) also engaged his services in Special Appeal No. 350 of 2018, challenging the order of learned Single Judge dated 22.09.2018; which has also not been denied. Subsequently, Shri Shiv Shankar Singh (Yadav) had also filed a caveat application against an order dated 02.02.2019, by which the claim of Shri Avdhesh Rai (petitioner) was rejected and thereafter Civil Misc. Writ Petition No. 13896 of 2019, was also filed. The Civil Misc. Writ Petition No. 13896 of 2019 was connected with the earlier Writ Petition No. 19276 of 2016 and both the writ petitions were decided by a common judgment and order dated 18.03.2023. He has submitted that Shri Shiv Shankar Singh (Yadav) is the maternal uncle of Shri Bhola Singh, who served as Head Clerk in the Institution in question and they had always come together to his chamber.

17. In the year 2023, by way of concealment, the said Shri Avdhesh Rai had set up a forged election and filed a writ petition before this Court seeking a direction against the District Inspector of Schools, to consider recognition of the election set up by him. In the said writ petition, Shri Bhola Yadav filed an impleadment application, which came to be dismissed in the year 2024.

18. Subsequently, Shri Avdhesh Rai obtained an order dated 01.11.2025 and against which Shri Shiv Shankar Singh (Yadav) filed his objection and thereafter vide order dated 09.12.2025, the earlier order dated 01.11.2025 passed in favour of Shri Avdhesh Rai, was stayed; and against the order dated 09.12.2025, Shri Shiv Shankar Singh (Yadav) once again filed a caveat application through the deponent, as his

counsel; and the caveat was reported in Civil Misc. Writ Petition No. 312 of 2026.

19. Thereafter, Shri Shiv Shankar Singh (Yadav) came to Allahabad along with Shri Bhola Yadav on 24.01.2026, and even got his photograph done from the Photo Identification Centre of the High Court Bar Association, on the Advocate Roll No. A/R-0992 of 2012 of Shri R.C. Dwivedi, Advocate and the said Writ Petition No. 312 of 2026, was finally disposed of vide order dated 25.02.2026. Thereafter, the Joint Director of Education vide order dated 10.04.2026 recalled his earlier order dated 01.11.2025 and directed the District Inspector of Schools to hold a fresh elections; and again Shri Shiv Shankar Singh (Yadav) along with his nephew Shri Bhola Yadav came to Allahabad and approached the office of Shri R.C. Dwivedi, Advocate and handed over the copy of the order dated 10.04.2026, where after the Caveat Application was filed.

20. At this juncture, it will be relevant to note that Shri Bhola Yadav, who had appeared before this Court has also made a categorical statement that he had accompanied Shri Shiv Shankar Singh (Yadav), who is now aged about 83 years, and had handed over the Vakalatnama along with fees, for the purposes of filing the Caveat Application which was reported in Writ Petition No. 17384 of 2026; and has submitted that the assertions in the Review Application that no Vakalatnama was handed over to Shri R.C. Dwivedi, Advocate is absolutely incorrect.

21. For ready reference Para-4 of the affidavit dated 12.07.2026 filed on behalf of Shri Bhola Singh Yadav is reproduced below:

“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 Shri R.C. Dwivedi Advocate and the deponent deposited a sum of Rs.2,500/- with the Clerk of Sri R.C. Dwivedi, Advocate provided to him by Sri Shiv Shanker Yadav for the purposes of filing a Caveat Application.”

22. From the aforesaid averments and the record, it is admitted that Shri Shiv Shankar Singh (Yadav) has been engaging the services of Shri R.C.

