

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).6448 OF 2024
(ARISING OUT OF S.L.P (CIVIL) NO(S). 10151 OF 2024)

SHRI ASTHA FOUNDATION FOR EDUCATION SOCIETY APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH & ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO(S).6450 OF 2024
(ARISING OUT OF S.L.P (CIVIL) NO(S).11817 OF 2024)
[@ DIARY NO(S). 20208 OF 2024]

CIVIL APPEAL NO(S).6449 OF 2024
(ARISING OUT OF S.L.P (CIVIL) NO(S).11816 OF 2024)
[@ DIARY NO(S). 20202/2024]

CIVIL APPEAL NO(S).6451 OF 2024
(ARISING OUT OF S.L.P (CIVIL) NO(S).11818 OF 2024)
[@ DIARY NO(S). 22199/2024]

CIVIL APPEAL NO(S).6452 OF 2024
(ARISING OUT OF S.L.P (CIVIL) NO(S).11819 OF 2024)
[@ DIARY NO(S). 22735/2024]

O R D E R

Applications seeking permission to file the Special Leave Petitions are allowed.

Leave granted.

Perused the impugned judgment and order and the operative directions in paragraph 14 of the impugned judgment and order. We find that the High Court is right in holding that free and fair elections of the Society must be held. However, the direction of the High Court is to conduct the elections on the basis of the list of members/voters as existed on 30th January, 2016. Obviously, elections which will be held in 2024 cannot be on the basis of the

list of members/voters as prevailing on 30th January, 2016. That part of the impugned judgment and order of the High Court cannot be confirmed.

As far as clause (2) of paragraph 14 of the impugned judgment and order is concerned, the direction appears to be that the bank accounts of Astha Foundation For Education Society shall not be operated. We find no reason to disturb the said direction. However, if money is required for running of any of the educational institutions run by the said Society, we permit the parties to apply to the High Court for seeking limited modification.

Accordingly, we dispose of the Appeals by passing the following order:

- i. The directions issued in terms of paragraph 14 of the impugned judgment and order are hereby confirmed subject to modification that elections shall not be held on the basis of the list of members/voters as on 30th January, 2016. The direction to hold election on the basis of the list of members/voters as on 30th January, 2016 is set aside. The Writ Petition is remanded to the High Court only for limited purpose of deciding the issue of list of voters on the basis of which election should be held;
- ii. Considering the fact that the elections as directed must be held at the earliest, we request the High Court to hear the parties and pass appropriate order regarding preparation of a fresh list of members/voters eligible to vote in the elections to be conducted in terms of clause (1) of paragraph 14 of the impugned judgment and order. Needless to add that the High

Court will consider applicable laws/rules/bye-laws while determining the issue;

iii. As regards clause (2) of paragraph 14 of the impugned judgment and order, in the event it is necessary to release the amounts in the bank accounts of Astha Foundation For Education Society for the purposes of running the colleges/educational institutions, the parties are free to apply to the High Court by making appropriate applications for limited modification of the said direction. The High Court will consider the same on its own merits;

iv. Subject to modification made above and limited order of remand, the impugned judgment and order is confirmed.

v. The Appeals are partly allowed on the above terms.

We make it clear that though some of the appellants are not parties before the High Court, this order shall not be construed to mean that they are entitled to participate in the proceedings before the High Court. It is for the them to make appropriate applications in that behalf before the High Court.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MAY 15, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 10151/2024

(Arising out of impugned final judgment and order dated 23-04-2024 in WP No. 27769/2023 passed by the High Court of Madhya Pradesh at Indore)

SHRI ASTHA FOUNDATION FOR EDUCATION SOCIETY

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

(IA NO.105611/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.105612/2024-EXEMPTION FROM FILING O.T., IA NO.118876/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA NO.118878/2024 - EXEMPTION FROM FILING O.T.)

WITH

DIARY NO(S). 20208/2024 (IV-C) [ITEM NO.35.1]

(FOR ADMISSION AND I.R. AND IA NO.106801/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.106803/2024-EXEMPTION FROM FILING O.T. AND IA NO.106798/2024-PERMISSION TO FILE PETITION)

DIARY NO(S). 20202/2024 (IV-C) [ITEM NO.35.2]

(IA NO.106847/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.106845/2024-EXEMPTION FROM FILING O.T. AND IA NO.106844/2024-PERMISSION TO FILE PETITION)

DIARY NO(S). 22199/2024 [ITEM NO.38]

(IA NO. 118565/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA NO. 118566/2024 - EXEMPTION FROM FILING O.T. AND IA NO. 118568/2024 - PERMISSION TO FILE PETITION)

DIARY NO(S). 22735/2024 [ITEM NO.39]

(IA NO. 119658/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA NO. 119659/2024 - EXEMPTION FROM FILING O.T., IA NO. 119661/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES AND IA NO. 119660/2024 - PERMISSION TO FILE PETITION)

Date : 15-05-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ardhendumauli Kumar Prasad, Sr. Adv.
Ms. Kalyani Bhide, Adv.

Mr. Hitesh Sharma, Adv.
Mr. Deepesh Singh, Adv.
Ms. Ananya Sahu, Adv.
Mr. Akshay Kumar, Adv.
Mr. Keshav Sehgal, Adv.
Mr. Gharote Anurag A, AOR

Mr. Shyam Divan, Sr. Adv.
Ms. Taruna Ardhendu Prasad, Adv.
Ms. Filza Moonis, AOR

Mr. Anshuman Ashok, AOR
Ms. Nimisha Swarup, Adv.

Mr. Sushil Kumar Jain, Sr. Adv.
Mr. V.V. S Murty, Sr. Adv.
Mr. Puneet Jain, Adv.
Mr. Mann Arora, Adv.
Ms. Akriti Sharma, Adv.
Ms. Lisha Bhati, Adv.
Mr. Harsh Jain, Adv.
Mr. Jalaj Prakash, Adv.
Ms. Christi Jain, AOR

Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Siddharth R. Gupta, Adv.
Mr. Sanjay Singh, Adv.
Mr. Shantanu Sharma, Adv.
Ms. Garvita Jain, Adv.
Mr. Mrigank Prabhakar, AOR
Ms. Sakshi Banga, Adv.
Ms. Amisha Devi, Adv.
Mr. Siddharth Jain, Adv.

For Respondent(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Mohammed Ibrahim, Adv.
Mr. Amit Bhandari, Adv.
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Mr. Rahul Maheshwari, Adv.
Mr. Shantanu Sharma, Adv.
Ms. Dipti Arya, Adv.
Ms. Naha Agarwal, Adv.
Mr. Santosh Rebello, Adv.
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Mr. Manish Gupta, Adv.
Mr. Rishikesh Haridas, Adv.
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Mr. Manish Gupta, Adv.
Mr. Rishikesh Haridas, Adv.
Ms. Himanshi Nagpal, Adv.

Mr. Harmeet Singh Ruprah, DAG
Mr. Abhinav Srivastava, Adv.
Mr. Pashupathi Nath Razdan, AOR
Mr. Astik Gupta, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

**Applications seeking permission to file the Special Leave
Petitions are allowed.**

Leave granted.

The Appeals are partly allowed in terms of the signed order.

Pending applications stand disposed of accordingly.

**(ASHISH KONDLE)
COURT MASTER (SH)**

**(AVGV RAMU)
COURT MASTER (NSH)**

[THE SIGNED ORDER IS PLACED ON THE FILE]