

**RAISINA BENGALI SC HOOL SOCIETY (REGD.)**  
**MANDIR MARG: NEW DELHI-110001**

**“OFFICE OF THE RETURNING OFFICER FOR  
GOVERNING BODY ELECTION FOR 2019-2021”**

**In the Matter of Hearing of Objections Received against the Voter  
List of Governing Body Election for the Term 2019-2021 of the  
Raisina Bengali School Society**

Election of the Governing Body of the Raisina Bengali School Society was declared on 3<sup>rd</sup> of June, 2019 with Election Notification of elections published by the order of the Administrator-cum-Observer Justice (Retd.) Mr. S. P. Garg. Voter List for the election was published on the website of the society and was displayed on the notice boards of two schools, one at Mandir Marg and second at C.R. Park, being managed by the Society. Objections against the Voter List were invited and last date for filing objections was 6<sup>th</sup> of June, 2019 till 5 P.M. A good number of objections have been received, delivered by hand by the concerned stakeholders and some further objections have been received on the e-mail on the society as well on the e mail and the Whatsapp of the Returning Officer. All these representations/ objections have been compiled and hearing to each individual / objector who appeared for hearing has been given.

Raisina Bengali High School is a Society registered in the year 1939. Fundamental Rules for the governance of the Society were formulated.



Its General Body consists of Patrons, Donors, Guardians and Subscribers.

As per Fundamental Rules of the Society,

A Patron is a person who has made a lump sum contribution of not less than Rs. 5000/- to the school.

Donor is a person who made a lump sum contribution of not less than Rs. 1000/- to the school or made an endowment of the same amount for any specific purpose to the school.

A Guardian is a person whose son or ward has been a student of the school run by the Society. In a situation where son or ward of such guardian is withdrawn from the school, such guardian can still retain the membership by becoming a Subscriber.

A subscriber would be member of the Society if he being not below 21 years of age, applied in a prescribed per-forma for membership at least one year before Annual General Meeting and made an Annual Subscription of Rs. 12/- plus Admission Fee of Rs. 5/- and then his membership was approved by the Governing Body in its meeting. A subscriber would be eligible for vote if he/ she was a member for at least 12 months of the General Body.

All these four category of members of the General Body are the voters and the Governing Body of the Society is to be elected by these voters and from amongst these voters/ members of the General Body.

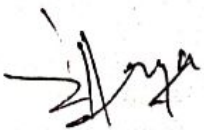
The Governing Body shall consist of eleven members, seven members to be elected in the biennial elections of the Society, which exercise is being taken-up in the present elections. Two parent members are to be



elected from amongst Parent Teachers Association, One each from two schools and further two teacher members, one from each school is to be elected by Teachers from amongst themselves.

Some aspects relevant and material and having bearing in the disposal of the objections may be recorded as below.

1. Voter List displayed for present elections is the one which was adopted for the elections of the Governing Body held in the years 2014 and 2018. Those elections were challenged in the Court. Election of 2018 was challenged in CS No. 104/2018 filed by two Guardian members on a plea that election was not held in a fair and proper manner. The Court decreed the suit and the election was set aside. Voter List for that election was not made an issue by the Court in its Order.
2. Almost similar Voter List had been adopted for the elections held in the year 2014. That election also became subject of a Civil Suit but, Voter List was not put to scrutiny in that suit.
3. In fact, the Voter List containing Guardian category voters is undisputed list by all concerned. Only the list of Patrons, Donors and Subscribers has remained in controversy and that too in a situation that no record at all of any of these three category of voters is available in the school Society/ Governing Body Office or with anybody connected with the Society. The previous Governing Body members as well as the advocates who represented the



parties in the earlier litigations were invited to assist if any record concerning these category of voters could be found and made available but all of them expressed their inability. Thus, there is no material at all to cross check the entries of these 810 voters of these three categories in Voter List. Accordingly, while hearing objections qua these voters, the objectors would be required to produce any substantial tangible material while seeking either addition or omission in the list.

4. For the category of voters as Patrons, Donors and Subscribers again there is no record available at all to put a particular voter of this list of 810 voters in a specific voter category, i.e., whether a Patron, a Donor or a Subscriber. Even for a voter as Subscriber when he/ she has to make an annual subscription of Rs. 12/-, no record is available if this category of voter made requisite subscription in the recent past years.

Individual objections are taken-up for consideration as follows.

Diary No. 28/ Dated 03.06.2019: Objector Mr. Samirul Mandal (Voter No. 1440) wants inclusion of 272 (Two Hundred Seventy-two) members in the Voter List on an assumption and plea that they were the Donors and their donations were reflected in a list bearing number and dates of these receipts and the Governing Body in its meeting held on 7.5.2016 had taken those 272 Donors on record as recorded in the minutes of meeting.



Objector Mr. Samirul Mandal however could not produce any document to support his plea that in fact donation on behalf of these 272 members was made to the school and a specific donation receipt to that effect was issued. Admittedly, these 272 names were not in the Voter List in the election held in 2018. As such, it is difficult to accept these 272 members as Donor Members and include them in the Voter List for the present Governing Body election. None of these 272 persons approached to express any grievance.

Mr. Nishi Sarkar also has given a similar representation for including the above-referred persons as Donor Members of the Society and he submitted that he can appear and produce copies of receipts showing donations made by these persons to the Society in the year 2016. On his request, further hearing shall be given to Mr. Nishi Sarkar on 08.06.2019 at 3 P.M.

Diary No. 29/ Dated 03.06.2019: Objectors M/s Samirul Mandal and Rajdev Yadav have also given a joint representation dated 03.06.2019 whereby 87 voters' names appearing in the current Voter List are sought to be deleted on a pleas that they were subscriber members enrolled in 2013 but they did not make contribution Annual Subscription for subsequent years for continuation of their membership as subscriber. Objector Mr. Mandal appeared during hearing but was unable to support his plea of non-payment of subscription fee by these 87 voters. In absence



of any such record on the point, plea is not acceptable and objection is rejected.

Diary No. 26/ Dated 03.06.2019: Objector Mr. Pranab Sasmal appeared in person and in support of his representation, dated 03.06.2019 submitted that he had been member of the General Body in the category of Guardian as his daughter was a student of Mandir Marg school till she passed out in May, 2019. He submitted that in November, 2018 he applied for membership in the category of Patron and deposited a sum of Rs. 6500/- by a cheque issued on his HDFC Bank Account in November, 2018 in favour of Raisina Bengali School Society, Mandir Marg. Society office has supported the submission of Mr. Sasmal and furnished photocopy of the Bank Statement of the Society showing a credit of Rs. 6500/- in its account by clearing on 29.11.2018. Correspondingly, Mr. Sasmal produced photocopy of his HDFC Bank statement showing debit of Rs. 6500/- from his account on 29.11.2018. Mr. Sasmal thereby prima facie establishes his claim to be a Patron member of the Society since November, 2018. His name be included in the Voter List in the category of Patron for the Governing Body Election for the term 2019-2021.

Diary No. 27/ Dated 03.06.2019: Objector Mr. Ashis Halder wants inclusion of his name in the current Voter List on a plea that he is a Donor member. He has filed a receipt dated 17.02.2009 showing a



sum of Rs. 2500/- paid by Mr. Halder as a donation to Raisina Bengali School Society, Chittaranjan Park, New Delhi. His name appeared in Voter List of 2014 at Serial Number 3413, but then his name was found deleted in the Voter List prepared for the election 2018. He contends that his status as a Donor member has never been questioned or set aside for any reason.

During hearing on his objections, it transpired that he had been a member of the Governing Body since 2011 and he remained President of the Body till 2017, but then there were several litigations including Writ Petitions between Mr. Halder and Mr. Janmejy Das, the then Secretary-Manager of the Governing Body. Name of Mr. Halder was not in the Voter List adopted for the election in the year 2018 and Mr. Halder filed case in Court for inclusion of his name in the Voter List. He submitted that he can bring all those papers concerning those litigations and will appear tomorrow at 3 P.M. Accordingly, the objection will be disposed after further hearing from him.

No other objector is present today and accordingly, further hearing shall be taken-up on 08.06.2019 at 3 P.M.

**Hearing resumed on 08.06.2019 at 3 P.M.**

Diary No. 27/ Dated 03.06.2019: Mr. Ashis Halder has appeared today and submits that he could not trace any document related to his court cases, but submitted that there is no adverse order by any court against him on the point of membership of the Society. The



school authority has shown me an Order, dated 30.12.2017 passed by Court of Mr. Chandra Shekahr, Ld. ADJ, Patiala House Courts, New Delhi in a Civil Suit titled Ashis Halder & Anr. Vs. Dipten Dey & Ors. This Order passed on interim application under Order 39 Rule 1 & 2 CPC of the Plaintiffs, observed that since Hon'ble Supeme Court vide Order dated 29.12.2017 had directed that an Observer appointed by the Court will act as a Supervisor to see the conduct of the Returning Election Officer, the petitioner could raise objections before Election Officer and the Observer and in those terms interim application was disposed off.

The situation emerges that Mr. Halder was a member of the Governing Body till 2017 and he was removed from the Governing Body and his name also disappeared from the Voter List of 2017. His Court Case relating to his removal from Governing Body has become infractutous as submitted by Mr. Halder himself though the case is still pending. His request for inclusion of his name in the Voter List deserves to be considered favourably when there is no material available to suggest any good ground for removal of his name from the Voter List, 2017. His representation, dated 03.06.2019 is allowed and his name will be included in the Voter List as Donor.

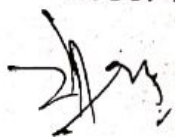
Diary No. 32 & 33/ Dated 05.06.2019 & 46/ Dated 06.06.2019: Objector Mr. Samar Chakravarty has appeared in person and by his representation, dated 05.06.2019 he requests for including his





name in the Voter List on a plea that he was Voter in the category of Subscriber till 2011 Voter List and thereafter he found his name missing in Voter List of subsequent years. Today he produced photocopy of his Bank Statement of M/s Axis Bank Ltd. which reflects that Rs. 96/- was credited to the account of Raisina Bengali School Society on 25.03.2014. Mr. Chakravarty states that his Annual Subscription as a Subscriber Member thus covered 8 (eight) years' period with deposit of Rs. 96/- in 2014. There is no material to contradict the submission of Mr. Chakravarty and he prima facie establishes his claim to be a valid Subscriber Member of the Society. Mr. Chakravarty also requested for deleting names of certain voters alleging them to be imaginary voters but he did not press the point. Accordingly, the representation of Mr. Chakravarty is allowed to the extent that his name is included in the Voter List for election of the Governing Body for the term 2019-2021.

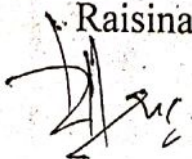
Diary No. 28/ Dated 03.06.2019: Mr. Nishi Sarkar had also a given a representation prior to the election notified on 3<sup>rd</sup> of June, 2019 and his representation seeks inclusion of 272 members as Donors in the Voter List. During hearing held on 08.06.2019, he brought photocopies of receipts of most of these 272 persons and the receipts showed donation of Rs. 1000/- (Rupees One Thousand Only) given to the Raisina Bengali School Society. All these receipts have been issued in the months of February and March, 2016. Mr. Sarkar submitted that many of these donors, may be



around 100 plus are in fact from his village/ hometown Ranaghat, Distt. Nadia, West Bengal. Submissions have been considered.

Though these donations were purportedly made in 2016, now about three years ago, why they were not enrolled in the Voter List during previous Governing Body's regime, no reasons are available. No representation or request has been received from any of these persons individually and thereby, a doubt arises if really these persons are interested to be a part of General Body of the Society or even if, were interested in the governing activities of the Governing Body. It is difficult to take cognizance of all these receipts produced by one person to form an opinion that these persons should be part of the General Body, having really made donations with that specific objective in mind. Accordingly, the representation is disposed off rejecting the request to include 272 persons in the Voter List.

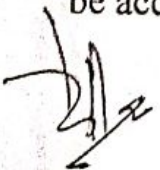
Diary No. 42/ Dated 06.06.2019: Objector Advocate Mr. Ashim Shridhar submitted a representation sent by e-mail on 06.06.2019 whereby he as well as 105 alumni of Raisina Bengali School have requested to be enrolled as Donor Members of the Society on a plea as raised in the representation to quote "in line with said provision a number of alumni (list attached) made contributions, only to find that the Voter List has been prepared without considering their donor membership for the General Body of Raisina Bengali School Society (Regd.)".



There is no supporting material to find that these alumni as per the attached list have made donations with a request to be a Donor Member of the Society. For the present election, these names cannot be included in the Voter List and it is left open for the elected Governing Body to take a call on this.

Diary No. 39 to 41/ Dated 06.06.2019: M/s Lohit Ganguly, Dayal Kumar Nandi & Ajit Ghoshal: No one has appeared to make any submissions on these representations which are common, either sent by Advocate or by individuals. Names in the Voter List from Sl. No. 2416 to 3225 are sought to be removed on a plea that none of them applied for membership or otherwise there was no resolution to accept their membership. In the absence of any material produced to support any such plea, a bald plea cannot be accepted for point raised. The representations are disposed off.

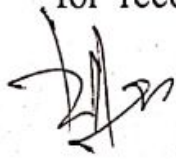
Diary No. 38/ Dated 06.06.2019: Mr. D. K. Bose: None has appeared, but contents noted. There is no material to suggest if Speed Post letters sent to Postal Authority Bijnor, U.P. for delivery to the addresses have been collected by one person as alleged. Sufficient precautions are being taken that post is delivered to the proper person and in that regard a letter has already been written to the concerned Postmaster. Request to postpone the election cannot be accepted. Representation is disposed off.



Diary No. 34 to 37/ Dated 06.06.2019: M/s Subrato Biswas and Mr. Gautam Barman: Representations. No one has appeared to make any submissions on these representations. Names in the Voter List from Sl. No. 2416 to 3225 are sought to be removed on a plea that they were added fraudulently and their memberships were never approved or ratified by the General Body. In the absence of any material to support any such plea, a bald plea cannot be accepted for point being raised. The representations are disposed off.

Diary No. 30 & 31/ Dated 04.06.2019: Mr. Devmoy (Voter No. 3080). No one has appeared to speak anything on these representations. The representations have been perused wherein Voter Nos. 2416 to 3225 of the Voter List are sought to be removed. Rest of the representation is either for information on certain points or some clarifications about certain matters. Again, to observe that no material is being referred to on the basis of which the request for removal of the Voters from the list can be considered. For the other parts of the representation seeking directions or clarifications, Mr. Devmoy is advised to approach Society Office. The representations are disposed off.

Diary No. 44, 45 & 45-A/ Dated 06.06.2019: M/s Rajtilak Guha Roy, Suhan Basu & M. K. Roy. The representations are requests for recording change of address as mentioned in the respective



representation of the members. Granted, Let their new addresses be taken on record and Voter List be updated accordingly.

The Voter List for Governing Body election for 2019-2021 be updated in terms of the above proceedings and be published and up-loaded as Final Voter List.

Date: 08.06.2019



**(J. R. ARYAN)**  
**Returning Officer**

J. R. ARYAN, District & Sessions Judge (Retd.)  
Returning Officer for G.B. Election 2019-2021  
Raisina Bengali School Society  
Mandir Marg, New Delhi-1