



2026:DHC:5257



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment Reserved on: 17th April, 2026
Judgment pronounced on: 2nd July, 2026

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W.P.(C) 19389/2025 & CM APPL. 80838/2025, CM APPL. 1161/2026

DR. SANJAY TEWARI

.....Petitioner

Through: Ms. Pinky Anand, Senior Advocate
with Mr. Amit, Mr. Sandeep Malik,
Mr. Abhishek Gaur, Ms. Samrat
Pasricha, Ms. Aditi Salooja, Ms.
Mayoleeka Purty, Ms. Chanya Jaitly
and Mr. Neeraj Sharma, Advocates

versus

INDIAN SOCIOLOGICAL SOCIETY AND
ORS

.....Respondents

Through: Mr. Akhil Sibal, Senior Advocate
with Mr. Abhik Chimni, Ms. Pranjal
Abrol, Mr. Krishnesh Bapat, Mr.
Gurupal Singh and Ms. Aeshna
Salwan, Advocates for R-1, R-4, R-5
and R-6
Mr. Amit George, Mr. Dushyant K.
Kaul and Mr. Vasnth Tripathi,
Advocates for R-7

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

JUDGMENT

AMIT BANSAL, J.

1. The present writ petition has been filed seeking the following reliefs:
 - i. Quashing of the Enquiry Committee Report dated 28th November, 2025;



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- ii. Quashing of the Managing Committee Resolution dated 2nd December, 2025;
 - iii. Quashing of communication dated 3rd December, 2025 issued by respondent no.1 whereby:
 - a. the petitioner's candidature for the post of Secretary of the Indian Sociological Society ('ISS') was cancelled
 - b. the petitioner was debarred from contesting elections for a period of ten years and
 - c. the petitioner was removed from the post of Convenor of Research Committee.
 - iv. To give effect to and formally declare the results of the ISS Elections as displayed on 19th November 2025, wherein the petitioner secured the highest number of votes for the post of Secretary.
2. Brief facts relevant for deciding the present writ petition are set out below:
- i. The petitioner is a life member of respondent no.1/Indian Sociological Society (hereinafter 'respondent no.1 society'), which is a registered society under the Societies Registration Act, 1860 and the Maharashtra Public Trusts Act, 1950.
 - ii. Respondent no.5 (originally respondent no.7), M/s Webtech Evolution (hereinafter 'respondent no.5') is the service provider appointed by the respondent no.1 society for the design, operation and technical management of the online voting platform used for the ISS Elections 2025 (hereinafter 'Elections').



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- iii. An election notification for posts of President, Secretary and Managing Committee Members of respondent no.1 society was issued on 18th October, 2025. The petitioner contested the aforesaid elections for the post of Secretary.
- iv. The online voting commenced on 12th November, 2025. During the course of the election process, issues regarding multiple voting attempts and technical irregularities arose. On the same date, the petitioner sent an email to the Election Officers regarding the anomaly in the voting process.
- v. On 14th November, 2025, a circular was issued by the respondent no.1 society wherein it was stated that the system recorded multiple attempts at voting. The respondent no.1 society released a ‘malicious actors report’ stating that there are persons who attempted multiple voting. The petitioner was one of the persons named in the said report.
- vi. A technical audit was conducted by the respondent no.5 and an audit report dated 14th November, 2025 was issued regarding the Elections.
- vii. Subsequently, a show cause notice dated 16th November, 2025 was issued to the petitioner alleging malpractices by the petitioner in the election process.
- viii. The petitioner submitted a reply to the aforesaid show cause notice on 19th November, 2025.
- ix. A circular dated 19th November, 2025 was issued by respondent no.1 society titled as ‘*Procedure for Declaration of results in ISS Elections 2025*’ which stated that a Zoom meeting would be conducted on the said date at 5:15 PM in the presence of the IT Team, Election Committee, Management Committee and candidates, wherein the IT Team would present the data regarding the votes polled.



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- x. In the Zoom meeting, it was revealed that a total number of 3130 votes had been cast and the petitioner had secured the maximum number of votes for the post of Secretary.
- xi. On 19th November, 2025, the Election Committee issued a circular constituting an Enquiry Committee comprising two (2) former presidents of respondent no.1 society to enquire into the audit report dated 14th November, 2025 furnished by the respondent no.5. It was also stated therein that the Enquiry Committee has requested the Election Committee to withhold the final declaration of election results until it submits its final report to the Election Committee.
- xii. The Enquiry Committee submitted its report dated 28th November, 2025 recommending:
- a. Cancellation of the petitioner's candidature.
 - b. Ban for contesting elections for a period of ten (10) years.
 - c. Removal of the petitioner from the post of Convenor of Sports Sociology Research Committee.
 - d. Annulment of the Elections and holding of fresh re-elections.
- xiii. The said recommendations of Enquiry Committee were accepted by the Managing Committee of the respondent no.1 society *vide* resolution dated 2nd December, 2025.
- xiv. The decision of the Managing Committee was communicated to the petitioner on 3rd December, 2025.
3. Aggrieved by the same, the petitioner has filed the present writ petition.
4. This Court *vide* order dated 22nd December, 2025 issued notice in the present petition.



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5. Thereafter, a General Body Meeting (GBM) of the respondent no.1 society was conducted on 29th December, 2025 wherein the aforesaid decision of Managing Committee was ratified.

6. Subsequently, the respondents issued a notice dated 7th January, 2026 calling for re-election process to be conducted from 9th January, 2026 to 15th January, 2026, and the name of the petitioner was excluded from the list of contesting candidates.

7. The petitioner preferred CM APPL. 1161/2026 seeking stay of the re-election process initiated by respondent no.1 society.

8. This Court did not grant any interim relief to the petitioner, however it was observed that the outcome of the re-election process, including re-polling, will be subject to the outcome of the present writ petition.

9. The principal ground of challenge raised by the petitioner is that the constitution of the Enquiry Committee and the subsequent actions taken pursuant thereto are wholly arbitrary and illegal, as the Constitution of the respondent no.1 society does not confer any power upon the President, Secretary, Election Committee or Managing Committee to constitute such a committee after completion of polling. It is contended that the election process stood concluded on 19th November, 2025 upon display of results and therefore withholding of the results thereafter was impermissible.

10. It is further contended that the acts of cancellation of the petitioner's candidature, petitioner's debarment for ten years and his removal from the position of Convenor, are punitive in nature and have been imposed without any disciplinary framework prescribed under the Constitution of the Society.

11. It is stated that the respondent no.1 society performs public functions and is also funded by government bodies and hence is amenable to writ



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jurisdiction. The respondent no.1 society is registered under the Societies Registration Act, 1860 as well as the Maharashtra Public Trusts Act, 1950 and the Foreign Contribution (Regulation) Act, 2010 and therefore, would be subject to the writ jurisdiction. Reliance has been placed on the judgment in *Andi Mukta Sadguru v. V.R. Rudani*¹.

12. In the counter affidavit filed on behalf of respondents, a preliminary objection has been raised with regard to maintainability of the present writ petition on the ground that respondent no.1 is a private autonomous society and does not fall within the definition of 'State' under Article 12 of the Constitution. The dispute pertains purely to internal governance and election disputes of a private society and therefore the appropriate remedy for the petitioner would be to institute civil proceedings. Reliance in this regard has been placed on the judgments in *S.D. Siddiqui v. University of Delhi*², *Governing Body Raisina Bengali School v. Ashish Kumar Haldar & Anr*³.

13. It is also contended that the respondent no.1 society is a self-funded body and does not receive any funding from the government. Hence, it would not be amenable to the writ jurisdiction.

14. On merits, it is submitted that the election process was conducted strictly in accordance with the Constitution and Bye-Laws of the respondent no.1 society. During the course of online voting, suspicious activities including repeated voting attempts were detected by the respondent no.5 through backend forensic analysis. Based on the technical audit report dated 14th November, 2025 submitted by the respondent no.5, a show cause notice

¹ (1989) 2 SCC 691

² 2005 SCC OnLine Del 1226

³ Order dated 19th January, 2018 in LPA 770/2017



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was issued to the petitioner and the petitioner submitted his reply. The reply submitted by the petitioner was found to be unsatisfactory and accordingly, the Election Committee constituted an Enquiry Committee in accordance with the powers vested under the Bye-Laws.

15. The findings of the technical audit and the Enquiry Committee stood independently affirmed by the Managing Committee and ultimately by the General Body. Therefore, no mala fides, bias or violation of principles of natural justice can be attributed to the respondents.

16. In the counter affidavit filed by the respondent no.5, it is stated that the respondent no.5 is merely a technical service provider engaged by the respondent no.1 society for operation of the online voting platform and no substantive relief has been sought against the respondent no.5. Therefore, respondent no.5 is neither a necessary nor proper party to the present proceedings. The petitioner's challenge to the technical audit is untenable even on merits, as no cogent technical rebuttal had been produced by the petitioner at any stage. It is stated that the technical audit did not single out the petitioner in isolation, but identified a defined cohort of "malicious actors" whose voting patterns revealed multiple or scripted access to the ballot inconsistent with the one-member-one-vote rule.

17. Ms. Pinky Anand, Senior Counsel appearing on behalf of the petitioner, submits that the entire case set up by respondents against the petitioner is without any foundation. Even if there was multiple voting, only the first vote was to be counted. Therefore, the election process was not compromised. Accordingly, once the results had been declared on 19th November, 2025, there was no occasion to withhold the same and order re-election.



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18. The allegation against the petitioner that he indulged in multiple voting is completely baseless. In fact, the petitioner was the one who brought to the attention of the respondents, the defect in the system permitting multiple voting.

19. The action taken by the respondents is beyond the show cause notice issued by respondents inasmuch as the show cause notice only provided for cancellation of petitioner's candidature. The respondents have not only cancelled the petitioner's candidature but have also debarred the petitioner from contesting elections for a period of 10 years. The reply filed by the petitioner has not been considered by the respondents.

20. Mr. Akhil Sibal, counsel appearing on behalf of the respondents, submits that the petitioner was found guilty of repeated voting attempts through automated scripts and therefore the respondents were justified in withholding the election results and ordering re-polling.

21. He has drawn the attention of this Court to the Enquiry Committee Report dated 28th November, 2025 (*Annexure P-22* to the writ petition) to submit that there are serious allegations against the petitioner of using malicious bots for automatic script to cause fraudulent multiple voting. He, thus, submits that the action taken by the respondents is justified and in accordance with the Bye-Laws, as well as in conformity with the principles of natural justice.

22. On the aspect of maintainability, Mr. Sibal submits that the respondent no.1 society does not perform any public function as is evident from the objects given in the Memorandum of Association. Further, the respondent no.1 society is not funded substantially by the government.



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Therefore, the respondent no.1 society is not amenable to the writ jurisdiction.

23. Mr. Sibal submits that even if it is the case of the petitioner that respondent no.1 society is a public trust, the petitioner is required to approach the Charity Commissioner under the Maharashtra Public Trusts Act, 1950 and cannot approach this Court by filing a writ petition.

24. In response to the aforesaid submissions, Ms. Anand has drawn the attention of this Court to the Memorandum of Association of the respondent no.1 society, to submit that the respondent no.1 society undertakes public functions. She further submits that the society in question is funded by the Indian Council of Social Sciences Research ('ICSSR'), Government of India, and also by the University Grants Commission ('UGC').

25. Dr. Amit George, counsel appearing for the respondent no.5, submits that the technical audit report has been prepared by respondent no.5 based on a proper forensic analysis. The petitioner has failed to produce any contrary expert report or technical material to dislodge the findings of the report. The report prepared by the respondent no.5 did not single out the petitioner in isolation but also identified other persons who indulged in multiple voting.

26. I have heard learned counsel for the parties and examined the record.

27. First, I shall deal with the issue of maintainability of the present writ petition. As per the Memorandum of Association of respondent no.1 society (Annexure P-1 to the writ petition), the purposes for which the society has been established are as under:

“a) To pursue and promote the study of sociology and sociological problems.



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b) To disseminate knowledge through lectures, publications and such other means bearing on social and sociological problems.

c) To conduct and publish at least two issues per year of Journals like Sociological Bulletin, Bharatiya Samajshastra Sameeksha, E-Journal and E-Newsletter.

d) To publish brochures, newsletters and books to achieve the above ends.

e) To hold conferences, including sessions of Research Committees, and organise Memorial Lectures for disseminating knowledge on various fields of the discipline in furtherance of the above.”

28. From a reading of the aforesaid, it is manifest that respondent no.1 society is not performing any public functions, nor is it involved in the activity of teaching or imparting education. The respondent no.1 society is not running any educational institution. Merely holding lectures and conferences for disseminating knowledge on the subject would not amount to teaching activities. The respondent no.1 society is a purely private body set up to promote the study of Sociology.

29. The Division Bench of this Court in *S.D. Siddiqui* (supra) held that Delhi University Teachers' Association (DUTA) is neither a State nor an instrumentality of a State under Article 12 of the Constitution as it does not perform any public function. Relevant extracts from the said Judgment are set out below:

“29. In view of the above discussion, we are clearly of the opinion that the DUTA is not a State or an instrumentality of the State under Article 12 of the Constitution of India and it does not also perform any public functions. It is a purely private body working for the welfare of teachers of the University and affiliated colleges. There is no deep or pervasive control of the State over it. There is no averment that it is largely financed by the State. Hence, in our opinion, no writ lies against DUTA.

30. Apart from the above, we are further of the opinion that if one wishes to challenge an election, he should file an election petition, if that is



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provided under the relevant statute or rules, and if there is no such provision in any statute or rule for election petition, then one has to file a civil suit for this purpose and not a writ petition.”

[Emphasis supplied]

30. In ***Raisina Bengali School*** (supra), Division Bench of this Court held that proceedings under Article 226 of the Constitution would not lie in respect of a society incorporated under the Societies Registration Act, 1860 unless a public law element in the governance of the society exists.

31. Article 5 of the Bye-Laws of respondent no.1 society provides for the funding of the respondent no.1 society and is set out below:

“Funds of the Society

There shall be two or more separate funds of the Society: one called the General Fund, the second, the Publication Fund, and others to be named by the Managing Committee.

*i) The General Fund of the Society shall consist of **all subscriptions** collected from all classes of members.*

*ii) The Publication Fund of the Society shall consist of **specific donations and contributions** earmarked for publication purposes and also such other sums from the General Fund as may, from time to time, be allocated by the Managing Committee.*

iii) The formation, composition and administration of other Funds, if any, shall be laid down by the Managing Committee, whenever they are created.”

[Emphasis supplied]

32. It is clear from the above that the respondent no.1 society is a self-financing body and its funding is through subscription from membership fees and donations and contributions and its own resources.

33. In ***K.K. Saksena v. International Commission on Irrigation and***



*Drainage & Ors*⁴, the Supreme Court held that a writ petition can be entertained against a private body that is running substantially on State funding.

34. In *D.A.V. College Trust And Management Society & Ors V. Director Of Public Instructions & Ors.*⁵, the Supreme Court once again reiterated that a petition under Article 226 of the Constitution can be invoked against a body/society, which is substantially financed by the government. The relevant extract from the said judgment is set out below:

*“26. In our view, "substantial" means a large portion. It does not necessarily have to mean a major portion or more than 50%. No hard-and-fast rule can be laid down in this regard. Substantial financing can be both direct or indirect. To give an example, if a land in a city is given free of cost or on heavy discount to hospitals, educational institutions or such other body, this in itself could also be substantial financing. **The very establishment of such an institution, if it is dependent on the largesse of the State in getting the land at a cheap price, would mean that it is substantially financed.** Merely because financial contribution of the State comes down during the actual funding, will not by itself mean that the indirect finance given is not to be taken into consideration. The value of the land will have to be evaluated not only on the date of allotment but even on the date when the question arises as to whether the said body or NGO is substantially financed.”*

[Emphasis supplied]

35. On behalf of the petitioner, it is contended that the respondent no.1 society has received funding from government bodies such as ICSSR and UGC. In the counter-affidavit filed by the respondents, it is stated that only about 7.92% of the total funds of the respondent no.1 society has been received as grants from government bodies and the last of such grant was in the Financial Year 2018-19 (*Annexure R-1* to the counter-affidavit of

⁴ (2015) 4 SCC 670

⁵ (2019) 9 SCC 185



respondents).

36. In these circumstances, it cannot be said that the respondent no.1 society is substantially funded or financed by the government or its agencies.

37. In a recent judgment of the Supreme Court in *Ram Chandra Choudhary & Ors. v. Roop Nagar Dugdh Utpadak Sahakari Samiti Limited*⁶, the Supreme Court has reiterated that disputes pertaining to internal management, governance or electoral process of co-operative societies would not attract the writ jurisdiction merely because such societies are incorporated under a Statute.

38. The relevant extracts from the said judgment are set out below:

“14.2. Conversely, disputes which pertain purely to the internal management, governance or electoral processes of co-operative societies do not, as a matter of course, attract writ jurisdiction merely because such societies owe their incorporation to a statute. The existence of a statutory framework regulating such societies does not by itself convert internal disputes into matters of public law. The exercise of jurisdiction under Article 226 in such cases must therefore be tested on well-established principles, including the nature of the right asserted, the character of the duty alleged to have been breached, and the availability of an efficacious alternate statutory remedy.

14.3. This Court has, in a long line of decisions, delineated the contours for determining when a body, though not “State” within the meaning of Article 12, may nevertheless be amenable to writ jurisdiction. The relevant considerations include whether the body is entrusted with public duties, performs functions of a public nature, or is subject to deep and pervasive State control so as to partake the character of an instrumentality of the State.”

[Emphasis supplied]

39. The dispute in the present case solely pertains to the elections and internal management of the respondent no.1 society. The petitioner is

⁶ 2026 INSC 347



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aggrieved by the decision of the respondents to hold fresh re-elections and his debarment from participating in the elections. Clearly, this does not involve any public law element.

40. The petitioner submits that the respondent no.1 society has been registered under Maharashtra Public Trusts Act, 1950, and therefore, is in the nature of a public trust amenable to the writ jurisdiction. In this regard, the petitioner has placed reliance on the judgment of the Supreme Court in *Andi Mukta* (supra) in support of their aforesaid contention. However, in the facts of that case, the trust in question was managing an affiliated college in receipt of government aid, and the dispute concerned whether a writ of mandamus could be issued to compel the trust to pay arrears of salary to teachers whose services had been terminated. The Court held that aided educational institutions discharge a public function by imparting education, and that the service conditions of their academic staff are not purely of a private character. Accordingly, the trust was held to be amenable to the writ jurisdiction. The relevant extract from the said judgment is set out below:

*“15. If the rights are purely of a private character no mandamus can issue. If the management of the college is purely a private body with no public duty mandamus will not lie. These are two exceptions to mandamus. But once these are absent and when the party has no other equally convenient remedy, mandamus cannot be denied. It has to be appreciated that the appellants trust was managing the affiliated college to which public money is paid as government aid. Public money paid as government aid plays a major role in the control, maintenance and working of educational institutions. **The aided institutions like government institutions discharge public function by way of imparting education to students. They are subject to the rules and regulations of the affiliating University. Their activities are closely supervised by the University authorities.** Employment in such institutions, therefore, is not devoid of any public character. So are the service conditions of the academic staff. When the University takes a decision regarding their pay scales, it will be binding on the management. **The service conditions of the academic staff are, therefore, not purely of a private character.** It has super-added protection by University decisions*



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creating a legal right-duty relationship between the staff and the management. When there is existence of this relationship, mandamus cannot be refused to the aggrieved party.”

[Emphasis supplied]

41. In the present case, the respondent no.1 society is not running any college or an educational institution, which receives government aid. Neither does the dispute pertain to salary of the teachers. Therefore, the aforesaid judgment does not come to the aid of the petitioner.

42. The petitioner has also relied on the judgment of *Sai Sewa Dal (Regd.) v. Union of India & Ors.*⁷, which was also in the context of a society registered under Societies Registration Act, 1860. The dispute in the said case was with regard to management of a public charitable/religious institution and the Court held the writ to be maintainable because the society in question managed a public temple and discharged public functions affecting devotees and the general public. The reliance placed on this judgment is misplaced as the respondent no.1 society is not engaged in management of a public charitable/religious institution.

43. Even if the petitioner is registered as a trust under the Maharashtra Public Trusts Act, 1950, the appropriate remedy would be to approach the Charity Commissioner in terms of the Section 41(B) of the said Act. In fact, the petitioner himself has made a representation to the Charity Commissioner, Maharashtra, on 12th December, 2025 seeking an enquiry into the very same matters which are the subject matter of the present writ petition.

⁷2006 SCC OnLine Del 1178



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44. In light of the legal position discussed above, I am of the view that the present writ petition filed under Article 226 of the Constitution is not maintainable. As noted above, the respondent no.1 society is a self-governed society, governed by its own Constitution and Bye-Laws. The respondent no.1 society does not perform any public function. It does not even receive substantial funding from any of the government bodies. The subject matter of the dispute in the present petition relates to conduct of elections, appointment of committees and disciplinary action against the members, none of which qualifies as a public function.

45. Even though I have held that the present writ petition is not maintainable, since both sides have extensively argued on the merits of the dispute, the Court would be remiss in its duty if it does not deal with the merits of the case.

46. The petitioner submits that the results of the Elections of the respondent no.1 society were declared on 19th November, 2025 showing that the petitioner had the highest votes. Therefore, there was no justification for not accepting the said result and ordering re-polling. The action of respondents was malafide.

47. In the circular of the respondent no.1 society dated 19th November, 2025, it was clearly noted that on the same date at 5:15 PM, a Zoom meeting would take place wherein the Election Officers and the IT Team shall present data on the votes polled. It was stated that Election Committee would meet thereafter and examine the information before the declaration of the results.

48. What was shared during Zoom meeting was only the data on votes polled till then. The official results of the Elections were yet to be declared.



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Therefore, the contention of the petitioner that the official results had been declared is clearly contrary to the records.

49. In the counter-affidavit filed on behalf of respondent no.5, it has been explained in detail that the audit report was issued based on a forensic analysis and the voting module. The report prepared by respondent no.5 identified a definite cohort of ‘malicious actors’ whose voting patterns revealed multiple or scripted access to the ballot, inconsistent with the one-member-one-vote rule. The report did not single out the petitioner as the only malicious actor but in fact identified other persons defrauding the election system. The results of the technical audit conducted by respondent no.5 were put before the Enquiry Committee.

50. There is no rebuttal in the rejoinder filed by the petitioner regarding the contents of the said technical audit report.

51. On behalf of the petitioner, it is contended that the Election Committee did not have the power to appoint an Enquiry Committee.

52. In terms of the ‘Bye-Laws for Online Elections’ of the respondent no.1 society, the elections were to be conducted by the Election Committee and the said Bye-Laws also provide that the decision of the Election Committee with regard to the validity or otherwise of a vote will be final.

The relevant Bye-Laws are set out below:

*“6. An **Election Committee** consisting of the President, the Secretary, a Life Member nominated by the President, as **the Election Officer/s will conduct and complete the process of the election**. In case the President or Secretary is standing for re-election, the other officer should take over and aid the Election Officer/s. In case both are standing, the senior most IMC member from the five retiring MC Members should assist the Election Officer.*

*13. The results of the election will be announced on the ISS website on the date and time stipulated in the Election schedule and the same will be communicated through email to the candidates immediately. **The decision of***



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the Election Committee with regard to the validity or otherwise of a vote will be final. However, the President can overrule the opinions given by the other members with a justification for the same.”

[Emphasis supplied]

53. From the aforesaid Bye-Laws, it is evident that the Election Committee has the powers to conduct elections, which would necessarily include appointment of an Enquiry Committee to enquire into allegations of malpractices/irregularities in the election process. Accordingly, the Election Committee was fully authorized to constitute the Enquiry Committee to enquire into the allegations of irregularities in the voting process in the Elections. Notably, the Enquiry Committee comprised two (2) former presidents of the respondent no.1 society.

54. In the report of the Enquiry Committee, it has been emphatically stated that the petitioner used malicious bot (automated script) to cause fraudulent multiple voting on 12th November, 2025 starting from 10 AM and till mid-day of 13th November, 2025. The relevant extracts from the report are set out below:

“a. Two Contestants, one for the post of President, Manish Verma, and one for the post of Secretary, Sanjay Tiwari, used malicious bot (automated script) to cause fraudulent multiple voting from same credentials of eligible member on 12-11-2025 between 10:00 am and 13-11-2025 mid-day. It was also reported that Manish Verma made 46 fraudulent voting attempts @ 10-15 seconds per vote.”

55. Accordingly, the Enquiry Committee recommended cancellation of the candidature of the petitioner for the post of Secretary of ISS and his debarment for a period of 10 years. Further, it was also recommended that he be relieved from the post of Convenor of Research Committee of Sociology of Sports. A further recommendation was made for cancellation of the Elections and holding of fresh elections.



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56. The aforesaid decision of the Enquiry Committee was approved by the Managing Committee of the respondent no.1 society. In terms of Article 3 of the Bye-Laws of respondent no.1 society, Managing Committee has the power to manage the affairs of respondent no.1 society.

57. Subsequently, the decision of the Managing Committee was ratified by the General Body of the respondent no.1 society in its meeting held on 29th December, 2025. The relevant extracts from the Resolutions passed in the said Meeting are set out below:

“Resolution No.2: Resolved that the Managing Committee hereby ratifies the decision to annul the ISS Elections 2025 in accordance with the findings and recommendations of the Inquiry Committee dated 28.11.2025 to conduct a repoll.

Resolution No.3: Resolved that the Managing Committee hereby ratifies the decision to debar guilty individuals in terms of the Inquiry Committee Report, from voting and contesting in the ISS elections for a period of ten (10) years.”

58. The contention of the petitioner that the action against the petitioner was in violation of the principles of natural justice is not borne out from the records of the case. The petitioner was duly served with a show cause notice, to which the petitioner responded. There is no question of any bias against the petitioner as the Enquiry Committee also identified other malicious actors, who indulged in irregular practices during the voting process.

59. Next, it is contended by the petitioner that the action taken with regard to debarment for 10 years is beyond what was stated in the show cause notice dated 16th November, 2025.

60. At this juncture, reference may be made to the relevant extracts from the show cause notice dated 16th November, 2025:

“If you are unable to provide substantive and verifiable information justifying your non-involvement in the activities listed in the public report,



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your candidature in the present election shall be cancelled. Please note that ISS reserves their right to take further disciplinary action inter alia the suspension of your life membership in the ISS subject to satisfaction vide the next General Body Meeting (GBM) of the ISS”

[Emphasis supplied]

61. From the reading of the above, it is clear that the show cause notice not only contemplated cancellation of petitioner’s candidature but also reserved the right to take ‘*further disciplinary action*’. The action debarring him from contesting elections for 10 years would clearly be covered under ‘*further disciplinary action*’.

62. The petitioner contends that the action of the respondents to debar him from contesting the elections for 10 years amounts to blacklisting. I am unable to agree with the said contention. The cases of blacklisting involve where action is taken by the State/Statutory Authorities, against the contractors in whose favour contracts have been awarded by the State. In the present case, the petitioner was a life member of the respondent no.1 society against whom action has been taken on account of malpractices/irregularities in the election process. This cannot be compared to a blacklisting action.

63. The judgments cited by the petitioner on blacklisting, *UMC Technologies Private Limited vs. Food Corporation of India and Another*⁸ and *Raghunath Thakur vs. State of Bihar and Others*⁹ are in relation to contractors, who have been blacklisted and debarred from participating in future contracts. Clearly, the said judgments would not apply in the present case.

64. In view of the discussion above, I do not find any merit in the present

⁸ (2021) 2 SCC 551

⁹ (1989) 1 SCC 229



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writ petition. Accordingly, the present petition is dismissed on the ground of maintainability as well as merits.

**AMIT BANSAL
(JUDGE)**

JULY 2, 2026

at