

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO.:8032 OF 2014

Belapur Education Society, Belapur,
Shrirampur, Ahmednagar.

VERSUS

The State of Maharashtra and others

Mr. Bagul D.S., Advocate for Petitioner.

Mr.K.G.Patil, A.G.P. for Respondent/State Authorities.

Mr. Shelke Shivaji T., Advocate for Respondent No.3.

WITH

CIVIL APPLICATION NO.:12707 OF 2014

IN

WRIT PETITION NO.:8032 OF 2014

Pralhad Dnyandeo Kolse Patil

VERSUS

Belapur Education Society, Belapur, Shrirampur,
Ahmednagar and others

Mr. Salunke V.D., Advocate for Applicant.

Mr.K.G.Patil, A.G.P. for Respondent/State Authorities

Mr. S.T. Shelke, Advocate for Respondent No.3.

CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 09th March, 2015.

PER COURT:

. Mr.Bagul, learned counsel for the Petitioner states that the petition is filed by the Society through his Secretary. The term of the Administrator has come to an end. The Administrator has not yet handed over the record. Only reason mentioned for not handing over the record

is that, there is a dispute in the Management. However, all the change reports filed by the opponents have been rejected. One of the change report filed by the Petitioner for the year 2008 has been accepted and another change report filed by the Petitioner is pending. According to the learned counsel, the Petitioner has even appointed In-charge Principal. The said appointment has been approved by the University. The learned counsel further submits that even the committees have been constituted of all these schools by the body of whose the Petitioner is Secretary. All these aspects are required to be considered.

2 Mr.Salunke, learned counsel for the Intervenor submits that the proceedings with regard to the change reports are pending. The intervention application is filed by one who is the President of the said Society.

3 Affidavit in reply is filed by the Deputy Education Officer stating that there are disputes in the Management and has shown the inclination to deposit the said record with the office of the Assistant Charity Commissioner.

4 Mr.Shelke, learned counsel appears for the Block Education Officer, who was the Administrator and submits that as there is a dispute amongst the members of the Management, the record, such as seniority list, roster and some other documents are not handed over.

5 We have considered the submissions canvassed by the learned counsel for respective parties. In writ jurisdiction, it would not be possible for this Court to enter into the disputed facts about the person in-charge of the Management. The office of the Assistant Charity Commissioner has dealt with the change reports, which were filed and would also have the record of the recent affairs of such society. It would be appropriate if the Administrator deposits the record available with him in respect of Belapur Education Society with the office of the Assistant Charity Commissioner, Ahmednagar. The Assistant Charity Commissioner, Ahmednagar, shall thereafter pass orders for handing over the said record to the appropriate person in the Management.

6 The Administrator / Respondent No.3, shall deposit the record available with it in respect of Belapur Education Society, Belapur, with the Assistant Charity Commissioner, Ahmednagar, within three weeks from the date of this order

7 Upon receipt of the said record, the Assistant Charity Commissioner, Ahmednagar, shall pass necessary orders about handing over the said record to the appropriate person in Management of Belapur Education Society, Belapur, in accordance with law.

8 Accordingly, the writ petition is disposed of. No costs.

9 In view of disposal of writ petition, pending Civil Application No.12707 of 2014, for intervention, also stands disposed of.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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