

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10376 OF 2014

Muslim Education Committee & Ors. .. Petitioners.

Vs.

The Education Officer (Secondary)

Zilla Parishad, Sangli & Ors. .. Respondents.

Mr. A.A. Kumbhakoni, Senior Advocate with Mr. Akshay Shinde i/b
Mr. A.M. Kulkarni for the Petitioners.

Ms. S.S. Bhende AGP for Respondent Nos.1 to 3 and 5.

**CORAM : ANOOP V. MOHTA AND
A.K. MENON, JJ.**

DATE : 17TH NOVEMBER, 2015

ORDER:

1. Rule. Rule made returnable forthwith.
2. Heard finally, by consent of the parties.
3. We are inclined to dispose of the present writ petition as the petitioner's various applications/proposals are rejected mainly on the ground of pendency of change report which is pending since 2011. There is no dispute that the petitioners are elected trustees of the trust since 11.6.2011. They are managing affairs of the institution/school. This Court in Chembur Trombay

Education Society and Others Vs. D.K. Marathe and Others¹ referring to section 22 of the Bombay Public Trusts Act specifically held that section 22 does not provide that change will take effect only after approval of the authority. It only provides that change is to be notified to authority within three months. This itself means that the change has already taken effect from the date of resolution. In the present case the same is not in dispute, therefore, in view of this we are inclined to direct respondent no.1 to decide the proposals/applications filed by the petitioners which are rejected by the impugned notice/communication dated 9.12.2013, 7.4.2014 and 4.6.2014 by the concerned authorities mainly on the ground of pendency of change report's approval. Therefore these rejections may not be reason not to decide the proposals which are referred and as are prayed in the petition. The concerned respondents to decide the proposals/representations as early as possible and preferably within eight weeks in accordance with law without influenced by the earlier rejections as recorded above. All points are kept open.

¹ 2002 (3) Bom.C.R. 161

4. It is made clear that this is without prejudice to the rights and contentions so far as order, if any, passed by the Charity Commissioner in view of the pendency of the change report.
5. The petition is allowed to the above extent. No costs.

(A.K. MENON, J.)

(ANOOP V. MOHTA, J.)