

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.1575 OF 2016

Bhavani @ Mahalaxmi Mandir Sansthan ... PETITIONER

VERSUS

The Deputy Charity Commissioner,
Jalgaon & ors. ... RESPONDENTS

.....
Shri V.T. Chaudhary, Advocate for petitioner
Shri S.R. Yadav, A.G.P. for State
.....

CORAM: T.V. NALAWADE, J.

DATED: 30th August, 2016.

ORAL ORDER :

1. This petition is filed to challenge the order made by learned Joint Charity Commissioner in Enquiry Application No.4/2014. By this order, the learned Joint Charity Commissioner has confirmed the order of transfer of many matters from the office of learned Assistant Charity Commissioner, Jalgaon to the office of learned Assistant Charity

Commissioner, Dhule. Both the sides are heard.

2. The relevant record is produced in the present proceedings, which includes the communication made by the learned Assistant Charity Commissioner, Jalgaon with the Joint Charity Commissioner. He has mentioned in the incident in which attempt was made to pressurize him by one party like Shrikant Khatol. According to him, he is influential person and he is trying to pressurize his staff and he is trying to pressurize him and he created some incident to show that he can do anything. Due to this conduct, even report was given by the learned Assistant Charity Commissioner to Police for taking action. In view of this communication, the order of transfer of the matters involving the same person was made by learned Joint Charity Commissioner. The proceeding filed by present petitioner bearing No.4/2014 is decided against the petitioner and it is held that there is no necessity to change the decision of transfer of the matters made in the past.

3. The learned counsel for the present petitioner placed reliance on some observations made by the Apex Court in the case of **Subrata Roy Sahara Vs. Union of India & others,**

reported in **(2014) 8 Supreme Court Cases 470**. In this case, the Apex Court has considered the propriety of the recusing by Judicial Officer when pressure tactics are used against him by anybody. It is held that, even in the face of calculated psychological offensives and mind games as adopted oath of office of Judge, to decide every case without fear or favour, even when such tactics are played, the matters need to be decided by the Judicial Officer and the authority. In view of aforesaid circumstances, the order of transfer was made by the learned Joint Charity Commissioner. This Court holds that there is no need to interfere in the order made by the Joint Charity Commissioner. Writ Petition is dismissed. In view of the request made by learned counsel for the petitioner for directions to the Joint Charity Commissioner, Dhule to expeditiously dispose of the matter, a direction is given that in any case within six months from the date of this order matter is to be disposed of.

(T.V. NALAWADE, J.)