

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

35 WRIT PETITION NO. 2632 OF 2016
WITH CA/4313/2016 IN WP/2632/2016

ATMARAM MADHAVRAO MUNDHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Brahme Shailesh P.
AGP for Respondents State: Mrs. V. H. Patil
Advocate for Respondent No.3 : Mr. S. V. Mundhe
Advocate for Respondent No.4 : Mr. U. R. Awate i/by Talekar
and Associates.
Advocate for the intervenor (CA 4313/16) Mr. A. D. Ostawal

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 22nd November, 2016

ORDER:

1. Prayer is made by the petitioners against the respondents to conduct general elections of Jawaharlal Education Society, Parli-Vaijnath immediately under the supervisions of either Revenue officers or officers from respondent No.2 with further prayer for restraining the respondents from recruiting vacancies of teaching staff and/or disbursing the funds from the Bank accounts.

2. It is submitted by the learned counsel for the respondents and Intervenors that one of the Members of the Society has moved the concerned Assistant Charity

Commissioner under section 41-A of the Bombay Public Trust Act, 1950 with the same relief i.e. seeking directions against the respondents for conducting election. We have asked the petitioners also to move the learned Assistant Charity Commissioner. Mr. Bramhe, the learned counsel for the petitioners, states that the petitioners would file appropriate application on 5th December, 2016. In view of that the present respondents and the intervenor shall remain present on 5th December, 2016 before the learned Assistant Charity Commissioner. The petitioners shall give copies of the application tendered by him to the respondents and the intervenors or their advocates on the said date.

3. The learned Assistant Charity Commissioner before whom the application would be given shall endeavour to decide the same expeditiously, preferably within four months from the date of appearance, as the said application is for limited purpose seeking directions against the respondents to conduct election. Taking the case either way, the term of the trustees as three years or five years, the said term would come to an end in 2016.

4. Till the learned Assistant Charity Commissioner

decides the said application, the respondent society shall not make fresh recruitment.

5. Writ petition is accordingly disposed of. No costs.

6. Civil application also stands disposed of.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC