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

WRIT PETITION NO. 8688 OF 2016

Mr. Narendra Krishna Patil.

... Petitioner.

V/s.

Shri Sadguru Bhimeshwar Nityananda

Sanstha, Ganeshpuri through Chairman

Mr. Vicky Karamchand Hingorani & Ors.

... Respondents.

Mr. Chaitanya Nikte for the Petitioner.

Mr. Onam Hingorani i/b. Akshay Petkar for Respondent 1

Ms. Vaishali Nimbalkar, AGP for Respondent Nos.2 & 3.

CORAM : N.M. Jamdar, J.

10 October, 2016.

Oral Order :-

The Petitioner has challenged the orders passed by the learned Principal District Judge, Thane dated 25 January 2016 and 8 March 2016.

2. Heard the learned Counsel for the parties.

3. An order was passed by the learned Principal District Judge on 25 January 2016 in respect of Shri Bhimeshwar Sadguru Nityanand Sanstha temple P.T.R. No.A-175(T) and Shri Sadguru Swami Nityanand Religious Trust P.T.R. No.E-148 (T), Religious Trust Shri Bhimeshwar Sadguru Nityamamd Sanstha Trust, Ganeshpuri P.T.R. No.E-289 under the scheme framed for the trust on 31 March 1964. The Principal District Judge, Thane has been put in charge and is the final selecting authority for appointment of trustees. Pursuant to the initiation of process for appointment of trustees, a public notice was issued pursuant to which various applications were received by the Principal District Judge. The Principal District Judge constituted a committee of five Judges and laid down certain parameters. It was stated that it is necessary to ascertain the antecedents of the applicants and their place of residence that they will file affidavits stating that whether they have any criminal antecedents and report from concerned police station. It was directed that the documents to be filed within one month. The Petitioner did not submit this document within one month and therefore, selection committee did not interview him. The learned District Judge held that the selection committee has already submitted the report and therefore, no direction can be given to the committee to interview the applicant.

4. The learned Counsel for the Petitioner submitted that direction given by the Principal District Judge is in variance with the advertisement issued. He submitted that the Petitioner was not at fault in submitting the documents within time and that as he was not aware and many several others have been granted this opportunity.

5. It has to be kept in mind that the case of the Petitioner cannot be equated with the ones seeking public employment. The learned Principal District Judge has been invested the power to select trustees. In furtherance of this responsibility, the learned Principal District Judge has constituted a committee, laid down guide-lines and defined the parameters for selection. The learned Principal District Judge was fully authorized to do so. The action taken by the learned Principal District Judge cannot be said to be not in the interest of the trust, which is the sole criteria. The learned District Judge had laid down these guide-lines to short list the candidates and for that purpose he has found it necessary to specify a time limit. No fault can be found in specifying the time limit. Those who applied in time have been considered. Since the time limit has been specified by the learned Principal District Judge, the learned Principal Judge will no doubt ensure that only those candidates who have adhered to this time limit would be considered unless the learned Principal District Judge finds that in some extra-ordinary circumstances such deviation is necessary.

6. Considering the nature of power that the learned Principal District Judge has exercised, scope of interference under Article 227 of the Constitution of India is extremely limited. In the circumstances, the Writ Petition cannot be entertained and is rejected.

(N.M. Jamdar, J.)