

-
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No.401 OF 2016

Vilas Ramkrushna Katekhaye and 3 others.

-Vrs.-

Assistant Charity Commissioner, Bhandara and 3 others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Dr. A.M. Ghare, counsel for petitioner.
Mrs. Deshpande, AGP for Respondent nos. 1 & 2.
Mr. V.K. Paliwal, counsel for respondent no.3.
Mr. Kavimandan, counsel for respondent no.4.

CORAM : B.R. GAVAI AND P.N. DESHMUKH, JJ.

DATED : 22nd FEBRUARY, 2016

The petitioners have approached this court raising two-fold grievance.

The first grievance of the petitioners is that order dated 9.12.2015 passed by respondent no.1 in Application No.14/2015 is not sustainable in law. The second grievance is with regard to the order dated 8.1.2016 of respondent no. 2 Education Officer vide which he has withdrawn the powers of headmaster given to one Mr M.Y. Kawale, the senior most teacher and has restored the said powers with respondent no.4.

It appears that there is infighting between two groups over the management of the trust. However, the Education Officer is not expected to meddle into the internal fight over the management of the trust.

When there is a dispute between two groups, the Education Officer can have a look at the seniority list and

instead of adhearing to the wishes of either of the groups he should act according to the seniority list for giving the powers to the senior most teacher.

Mrs. Deshpande, the learned A.G.P. on instructions from respondent no. 2 who is personally present in the court, states that the order dated 8.1.2016 would be forthwith withdrawn by him and he shall issue the order delegating the powers with the senior most teacher i.e. Mr. M.Y. Kawale.

In that view of the matter the grievance in soar as the order dated 8.1.2016 is concerned, does not survive.

In so far as the grievance with regard to the order passed by respondent no.1 is concerned, we find that the impugned order passed by the respondent no.1 is only an interim order.

In that view of the matter, we find that the interest of justice would be served by directing the respondent no.1 to decide the Application No. 14/2015 as expeditiously as possible and in any case within a period of four months from today.

Since both the rival groups are represented before this court by Advocate Ghare and Advocate Paliwal, and the parties undertake to remain present before the Assistant Charity Commissioner/Respondent no. 1 on 26th February, 2016, the requirement of formal notice shall stand waived.

JUDGE

JUDGE