

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1771/2016

(SHIVLAL PUNDLIK THAKRE **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri H.P. Darvekar, counsel for the petitioner.
Mrs. A.R. Kulkarni, A.G.P. for the R-1, 2 & 4.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 14, 2016.

By this writ petition, the petitioner impugns the order of the Deputy Director of Education, Amravati Division, Amravati, dated 15.12.2015 overruling the objection raised by the petitioner against the appointments and the transfers made in the respondent-Educational Institution. A direction is also sought against the respondent no.4-Assistant Charity Commissioner, Akola to take steps for the election of the ad-hoc governing body of the respondent no.3-Society or make alternate arrangement for the management of the society.

According to the petitioner, who claims to be a member of the respondent-Society, the Education Society by joining hands with the Education Authorities, have secured the approval to some illegal appointments and transfers made by the Education Society. The objection of the petitioner against the grant of approval to the alleged illegal appointments and transfers was however, overruled by the Deputy Director of Education, Amravati, by the impugned order dated 15.12.2015.

On hearing the learned counsel for the parties, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The Deputy Director of

Education found that a managing body was required to be elected in the respondent-Society every five years and eleven change reports are still pending in the office of the Charity Commissioner. It is observed that in Change Report Enquiry No.551 of 2012, the Assistant Charity Commissioner had directed the parties to maintain status quo. It is observed that the appointments and transfers were made since 2005 and since there was an order of the competent authority, i.e. the Assistant Charity Commissioner, directing the maintenance of the status quo in the year 2012, there was no reason to cancel the appointments and transfers on the objection raised by the petitioner. The order appears to be just and proper and calls for no interference in exercise of the writ jurisdiction. If the petitioner is aggrieved by any action on the part of the trustees in making the appointments or transfers, the petitioner has other remedies. A direction, as sought by the petitioner to the authorities under the Bombay Public Trusts Act, 1950 cannot be granted as the matters are pending before the authorities and the authorities are dealing with the same.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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