

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

WRIT PETITION NO. 1695 OF 2015

(Budhasao Sitaram Dhenge & Anr. vs. The State of Maharashtra thr. its Secretary, Ministry of Education & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
MARCH 09, 2016.**

Heard Shri Parchure, learned counsel for the petitioners and Shri N.S. Rao, learned AGP for respondent Nos. 1 to 3.

The petitioners before this Court claimed to be the Trustees of a Trust by name Vishwavyapi Shaishanik Sanstha, Veltur. The challenge is to recruitment made in School at Veltur, run by that Trust. The said School also has not been joined as a party respondent, however, its Head Master is Respondent No. 4.

The fact that vacancies existed and after due advertisement the same have been filled in, is not in dispute. However, the effort of the petitioners is to show that without taking the true management into confidence and without authorization, the recruitment process has been undertaken.

We do not wish to go into the correctness or otherwise of the contentions. Disputes between trustees inter-se cannot be used to stall the education in the School. The authorities working under Bombay Public Trust Act,

1950, are competent to look into the grievance of such nature if it amounts to abuse of power, mal-administration or misfeasance.

Without observing anything on merits of the controversy and keeping all rival contentions open, we grant the petitioners an opportunity to move the said authority with proper application.

If such an application is moved by the petitioners, the concerned authority shall attempt to decide it expeditiously.

With these directions, we dispose of the present petition. However, there shall be no order as to costs.

Pending civil applications, if any, stand disposed of.

JUDGE

JUDGE

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