

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5357 OF 2015

(The Nagsen Education Society vs. The Education Officer (Secondary) and others)

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

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : APRIL 2, 2016

Heard Adv. Vivek Bharadwaj for petitioner and Ms. Rane, learned Assistant Government Pleader for respondent nos.1 to 3. Adv. Shende has appeared for intervener, who claims to be Secretary of Nagsen Education Society.

Adv. Bharadwaj for petitioner submits that out of five members of Managing Committee, four members are on one side while intervener is on the other side. His grievance is that though there are no such orders passed by any competent Authority under Bombay Public Trusts Act, respondent nos.1 and 2 have asked Head Master and Assistant Teacher in a School to open Bank Account and operate it. Though petitioner no.1 Education Society runs more than four Schools, it is not in a position to look after their affairs.

Adv. Shende for intervener is opposing the petition.

Ms. Rane, learned Assistant Government Pleader for respondent nos.1 to 3, points out that because of infighting amongst family members and in the interest of students, the arrangement has been made by the Education Officer on ad hoc basis. According to her, the arrangement does not in any way prejudice the Management and petitioner or intervener can always obtain appropriate orders under the Bombay Public Trusts Act.

We find that by the impugned order, the Education Department has restrained family members from disturbing on-going education and other activities in the School. To facilitate the educational activities, Head Master and Assistant Teacher have been permitted to open Bank Account.

It is obvious that all amounts received by the School shall be in the Bank Account and expenditure shall be supported by suitable vouchers. The accounts can be audited. However, at the same time it cannot be forgotten that it is the duty of Institution or Trust, which has established Schools, to monitor administration thereof. On account of infighting, in exceptional circumstances, this arrangement has been made. We, therefore, grant

petitioner as also intervener leave to move appropriate Authority under Bombay Public Trusts Act for obtaining suitable interim orders in this respect. The arrangement made vide impugned communication dated 27/11/2013 is in force for last more than two years and we make it subject to such orders by the Authorities under the Bombay Public Trusts Act.

With this liberty, we dispose of the petition. No costs.

JUDGE

JUDGE

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