

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8642 OF 2017

1. Dilip Dattappa Vasmatkar,
Age: 52 years, Occ: Business,
2. Sau. Pratibha Dilip Vasmatkar,
Age: 47 years, Occ: Household,

Both R/o: Parbhani, Dist. Parbhani.PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Assistant Charity,
Commissioner, Parbhani.
2. The Returning Officer,
For the Election of
Shri. Sarang Swami Shikshan Prasarak
Mandal, Parbhani, Dist. Parbhani,
Shri. D. B. Jangale,
Inspector in the Office of
Charity Commissioner,
Gandhi Park, Parbhani,
Dist. Parbhani.
3. Shri. Ashok Sadashivrao Sawargaonkar
President of Shri. Sarang Swami Shikshan
Prasarak Mandal, Parbhani, Dist. Parbhani
C/o. Ellora Tilles Gavane Chowk,
Parbhani.
4. Prafulchand Baburao Chawade,
Secretary of Shri Sarang Swami
Shikshak Prasarak Mandal, Parbhani
R/o: Shivram Nagar, Near Mantri
Mangal Karyalaya, Wasmal Road,
Parbhani.RESPONDENTS

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Mr. V. D. Salunke, Advocate for petitioners.
Mr. Y.G. Gujarathi, A.G.P. for respondent/ State
Mr. Rajendra L. Kute, Advocate for respondent No.3.

[CORAM : SUNIL P. DESHMUKH, J.]
DATE : 14th JULY, 2017

ORDER :

1. Heard learned counsels for the parties.
2. In spite of service of notice, no appearance is caused on behalf of respondent No.2. It appears that, respondent No.2 has been appointed as a Election officer by the Assistant Charity Commissioner. While voters list was being settled, since petitioners' names did not appear in the same, they have submitted objection to the Returning Officer. It appears that, the Returning Officer had forwarded objection to the President and Secretary of the Trust. In response to the same, the President and the General Secretary purported to communicate to the Returning Officer that, the objection application has been received and having regard to decisions in Appeal Nos.09/2014, 10/2014, 12/2014, and 26/2014, the objection petitioners would not be the members of the trust, and as such, it would not be proper to incorporate their names. It is further referred to that, the decisions of the Assistant Charity Commissioner in application Nos.748/2017, 809/2017, 808/2017, particularly para Nos.43, 44, 45 and 46 may be referred to, and as such, purported to reject the application.
3. Looking at that, the decision ought to be taken by the Returning Officer rather than the persons to whom the matter had

been forwarded. It would be appropriate that the objections filed by the petitioners be decided by the Returning Officer pursuant to the election programme. In the circumstances, taking into account the objection and the communication by the President and the General Secretary to the objection, the matter be decided on its own merits. This exercise should be completed by the Returning Officer by 17th July, 2017. With this petition stands disposed.

4. Parties to act upon authenticated copy.

[SUNIL P. DESHMUKH, J.]