

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8955 OF 2016

Young Boys Educational &
Industrial Circle, Dhule,
through its President
Habibur Rahman Abdul Majid,
Age : 60 years, Occu. Pension,
R/o Aksanagar, Wadjai Road,
Dhule

PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
Department of Education,
Mantralaya, Mumbai
2. The Assistant Charity Commissioner,
Dhule Region, Dhule

RESPONDENTS

Mr. Pushkar S. Shendurnikar, Advocate for the Petitioner
Mr. A.R. Borulkar, A.G.P. for respondent Nos. 1 and 2

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATE : 7th FEBRUARY, 2017

ORAL ORDER :

Heard both sides.

2. The reliefs claimed in this petition are peculiar in nature, which can be granted by the Assistant Charity Commissioner in the proceedings pending before him.

3. The learned counsel for the petitioner submits that the grievance of the petitioner is that the present Body of the Trust is not the legal one. The change reports submitted by both the groups of the management of the Institution/Trust before the Assistant Charity Commissioner are not being decided and taking disadvantage of the pendency of the change reports, the members of the present Body are committing serious irregularities.

4. It appears that some proceedings like the change reports with regard to the management of the Institution/Trust namely Young Boys Educational & Industrial Circle, Dhule, are pending before the Assistant Charity Commissioner, Dhule. It also appears that the dispute between the two groups of the Management is going on since the year 2003. In such circumstance, it is always desirable that the learned Assistant Charity Commissioner takes effective steps for holding the elections of the Trust and to have smooth functioning of the Trust. If the parties are not cooperating, the Administrator can be appointed so that the elections are held in fair and impartial manner and

thus, the legal Body comes into power.

5. At present, the learned Assistant Charity Commissioner, Dhule is expected to dispose of all the proceedings related to the above mentioned Trust, including the change reports, pending before him, after hearing both the sides, expeditiously and in any case, within a period of four months from today. If the parties do not cooperate for conclusion of the proceedings, the learned Assistant Charity Commissioner may proceed to take strict action in accordance with law. Liberty is granted to both sides to file application/s for grant of appropriate reliefs before the Assistant Charity Commissioner.

6. With the above observations, the Writ Petition is disposed of. No costs.

7. Authenticated copy of this order be supplied to both the parties, at their request.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

