

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

7 WRIT PETITION NO. 10615 OF 2016

SHRIHARI RAMRAO DHOND
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. Vivek J. Dhage, Advocate, for petitioner.

Shri. A.R. Kale, Assistant Government Pleader,
for respondent Nos.1 and 2.

Shri. S.S. Tope, Advocate, for respondent No.3.

S/Shri. S.P. Brahme, R.D. Biradar & S.B. Bhosale,
Advocates, for respondent Nos.4 and 5.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 1 March 2017

ORDER:

The petition is filed to challenge the order of suspension dated 3-10-2016 issued against the present petitioner by respondent No.5 as President of the educational institution, respondent No.4. Both the sides are heard.

2) The petitioner was discharging duty as Assistant Professor with respondent college. It

is the case of the petitioner that there are two groups in the managing committee of respondent No.4-Trust. It is the contention that one group is headed by Secretary and Vice President and the other group is headed by the President and the Treasurer of the management. It is his contention that change reports filed by both the sides for the period from 2011 to 2019 are still pending before the Assistant Charity Commissioner and so respondent No.5 who is shown in the Schedule of the Trust as the President in the record of the Assistant Charity Commissioner could not have issued such order. It is the contention of the petitioner that respondent No.6 and his family members had indulged into illegal activities and so the dispute started. It is his contention that he is still discharging the duties and so the suspension order needs to be set aside.

3) The submissions made and the record show that change report of the year 2009 was accepted by the learned Assistant Charity Commissioner and

in that change report, respondent Narayan Mundhe was shown as the President. The submissions made and the bye-laws show that there are 11 members in the managing committee of the Trust. In view of the dispute when this Court had expressed that if some members are supporting the petitioner, they can file affidavit. In support of the petitioners, some members have filed such affidavits. There are affidavits of five such persons. Thus, five out of eleven members are in support of the petitioner. They have contended that they were not present if at all such meeting was called and held by the managing committee for passing resolution against the petitioner. It can be said that there are disputes about the control over the management and so such stand is taken. As per the record the majority is with the respondent, Narayan. Though change reports are pending, in the schedule name of the respondent Narayan is shown as the President and the majority was with him. Further, the other record shows that factual control over the institution

is of respondent Narayan and the members who are on his side. Thus in fact, the respondent Narayan is controlling the institution.

4) In the show cause notice given to the petitioner many allegations are made and this show cause notice was replied by the petitioner on 10-9-2016. This reply shows that he had grievance that obstruction was created in discharge of his duties by the President. He has denied the allegations made against him. The reply to the show cause notice also shows that respondent Narayan is in actual control of the institution.

5) There are allegations against the petitioner which are quoted in the show cause notice dated 31-8-2016 which are serious in nature. If the allegations are considered from the angle of the management there are allegations that in contravention of the bye-laws some acts were done by the petitioner like opening bank

account and operating the bank account. There are allegations that he gave threats of life to the President and he gave threat to commit suicide also. Allegations are made that adverse orders were made against some staff members and probably that was due to the aforesaid dispute. There are allegations that he is not showing the account to the management and he has kept the fees in his account. There are other allegations also. In view of the nature of allegations and the aforesaid circumstances and as apparently the petitioner is taking the side of the one group, the order of suspension is issued against him. No other circumstances need to be discussed in view of the nature of challenge. There is power with the management to issue such order and for taking disciplinary action, the petitioner is kept under suspension. In the result, the petition stands dismissed.

Sd/-

(SANGITRAO S. PATIL, J.)

Sd/-

(T.V. NALAWADE, J.)

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