

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12628 OF 2015

**Begam Qamrunissa Karigar Girls'
High School and Junior College, Solapur
Through the Head Mistress,
Mrs. Sabina Akhtar Jabbar Ingalagi ..Petitioner
Versus
The State of Maharashtra and others ..Respondents**

**ALONGWITH
WRIT PETITION NO.1029 OF 2016**

**Union Education Society ..Petitioner
Versus
The Deputy Director of Education,
Pune Region, Pune and others ..Respondents**

Mr. Vijay Killedar for the Petitioner in Writ Petition No.12628 of 2015.

Ms. Chaitrali A. Deshmukh for the Petitioner in Writ Petition No.1029 of 2016 & for Respondent Nos.8 & 9 in Writ Petition No.12628 of 2015.

Mrs. Rupali M. Shinde, AGP for Respondent Nos.1 & 2 in both Writ Petitions.

Mr. T. D. Deshmukh for Respondent No.3 in Writ Petition No.12628 of 2015.

Mr. S. G. Deshmukh i/by R. A. Shelke for Respondent Nos.6, 7, 11 & 12 in Writ Petition No.12628 of 2015.

**CORAM : B. R. GAVAI &
SANDEEP K. SHINDE, JJ.
DATE : 31st OCTOBER, 2017**

PC.

1] Rule. Rule made returnable forthwith. Heard by consent.

2] The Petitioner has approached this Court being aggrieved by the order dated 2nd December 2015 vide which the Respondent No.2 – Deputy Director of Education has reviewed the order passed by him on 7th November 2015.

3] It appears that there is a dispute between the Respondents with regard to the management of the Respondent No.3 society. It appears that in view of the dispute, vide order dated 7th November 2015 the Respondent No.2 – Deputy Director of Education had given powers to the present Petitioner who is undisputedly Head Mistress to discharge duties as Head Mistress and for that purpose to discharge administration as well as financial duties. In pursuance to the said order, it is the Petitioner who was required to sign the cheques for meeting out the day to day expenses so also submitting salary bills. However, it appears that the said order has been reviewed vide order dated 2nd December 2015 and the order dated 7th November 2015 has been recalled.

4] It appears that with regard to the dispute between the parties, the Petition came to be filed before this Court being Writ Petition

No.3629 of 2011 by one Adil Ali Dilawar Ali Khan. In the said dispute, consent terms came to be filed. It appears that since consent terms were filed and order was obtained in terms of consent terms on 4th May 2011, contending that said order was passed by suppression, a Review Petition came to be filed by one Nazir Abdul Aziz Shaikh and others. The said Review Petition was heard and decided on 26th September 2011. The Court clarified the earlier order and observed that since the Review Petitioners were not party in Writ Petition, the consent terms will not bind them. By the said order, the Court further directed the authorities under the Maharashtra Public Trusts Act, 1950 to decide the Change Reports expeditiously.

5] It could thus be seen that there is no order passed by this Court on the basis of which it could be said that Respondent No.8 has been recognized as an office bearer of the Respondent No.3 trust. In any case, it is not for this Court to go into the question as to who is managing the affairs of the Respondent No.3 trust. It is for the Assistant Charity Commissioner who has seized of the matter to decide the issue in accordance with law. However, at the same time, the functioning of the school cannot standstill because of dispute between two groups.

6] There is no dispute that the Petitioner is a Head Mistress who

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is duly approved as such by the Education Officer. We are of the considered view that taking into consideration the interest of the school as well as teaching and non-teaching staff, the Deputy Director of Education has rightly passed the order dated 7th November 2015. There was no reason for him to review the same by order dated 2nd December 2015. In the result, the order dated 2nd December 2015 is quashed and set aside. The order dated 7th November 2015 shall stand restored. As observed earlier, it is not for this Court to go into the interse dispute between the parties with regard to the management of the trust, the Assistant Charity Commissioner will decide the said issue in accordance with law. The Writ Petition is accordingly disposed of.

7] In view of the order passed in Writ Petition 12628 of 2015, no orders are required to be passed in Writ Petition No.1029 of 2016. The same is disposed of.

[SANDEEP K. SHINDE, J]

[B. R. GAVAI, J]