

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

WRIT PETITION NO. 3455 OF 2007

**NURJAH FAKIR MOHAMMAD SHAIKH
VERSUS
RAVER TALUKA URDU EDUCATION SOCIETY AND OTHERS**

**WITH
CIVIL APPLICATION NO.10638 OF 2016
IN
WRIT PETITION NO.3455 OF 2007**

**ABDUL WAHAB SHAIKH MUNAF
VERSUS
MISS NURJAH FAKIR MOHAMMAD SHAIKH AND OTHERS.**

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Advocate for the Petitioner : Shri Naseem R. Shaikh.
AGP for Respondent 5 : Shri S.K.Tambe.
Advocate for Respondents 6 and 7 : Shri Vijay J. Dhage.
Advocate for the Intervener / Applicant in CA 10638/2016 : B.R.Kedar.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 02nd August, 2018

Per Court:

1 The learned Advocate for the Petitioner/ original Appellant before the School Tribunal and the learned Advocate for Respondent Nos.6 and 7, claiming to be the Chairman of the Trust and the Headmaster of the School, respectively, jointly tender a copy of the compromise terms dated 19.06.2018. It is stated that the entire dispute before this Court has been put to an end by the said compromise terms. No direct financial burden has been placed on the Government, in the sense that if the

Education Department rejects the proposal of the Petitioner/ Appellant, the Government will not be responsible for making any payment to her.

2 The original compromise terms (total 14 pages) are placed on record at page nos.33 to 46, which are collectively marked as “Annexure-X” for identification.

3 Shri Kedar, learned Advocate for the Applicant/ Intervener in Civil Application No.10638/2016 filed on 20.07.2016, contends that Respondent No.6 is not the Chairperson of the concerned educational trust. He submits that the father of Respondent No.6 was the earlier Chairperson. He has passed away. Respondent No.6 claims to have stepped into his shoes. No elections have been held. The change report submitted by Respondent No.6 to the Assistant Charity Commissioner is a bogus document. This compromise between the Trust and the Petitioner is an unholy compromise and has no legal sanctity.

4 I find that this Court (Coram : V.K.Jadhav, J.) allowed Civil Application No.7804/2017 by order dated 23.02.2018. The intervener was before the Court. The order passed by this Court does not indicate that any submissions were put forth by the intervener. It is by this order of the Court that Respondent No.6 was added in his capacity as the Chairperson of the Educational Trust. It does not appear from the record that the intervener has challenged the order of this Court dated 23.02.2018.

5 It is settled law, in view of the judgments delivered by this

Court in the matters of *Chembur Trombay Education Society and others vs. D.K.Marathe and others, 2002 (3) Bom.C.R. 161* and *Janata Shikshan Prasarak Mandal and another vs. The State of Maharashtra and others, Writ Petition No.6073/2005 (Aurangabad Bench)* decided on 22.09.2005, that once the elections are said to have taken place and certain trustees are said to be elected as office bearers, they take charge of the Trust management and start officiating as such office bearers subject to the result in the change report enquiry. After the elections, newly elected office bearers should not be kept waiting till the change report enquiry result is declared.

6 Considering the above, this Writ Petition is disposed of and the impugned judgment and order dated 28.02.2007 passed by the School Tribunal is modified in terms of the compromise Annexure-X.

7 Needless to state, in the event the change report is rejected and Respondent No.6 is not held to be the Chairperson of the Trust, the Intervener would be at liberty to take out an appropriate proceeding as may be permissible in law.

8 Rule is discharged accordingly.

9 The pending Civil Application No.10638/2016 is disposed of.