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

**WRIT PETITION NO.13232 OF 2018**

Dinkar s/o Narayan Sangle,  
Age: 47 years, Occu: Agriculture,  
R/o. Dhawalpuri, Tq. Parner,  
District Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra,  
Through the Secretary for  
Minority Development Department,  
Mantralaya, Mumbai
2. The Competent Authority,  
And/or Joint Secretary,  
Minority Development Department,  
Mantralaya, Mumbai
3. Dhanwantari Medical and Education  
Foundation,  
C/o. Dr. Sayed Kazi,  
2506, Shahaji Road, Ahmednagar,  
District Ahmednagar

..RESPONDENTS

Mr V. D. Hon, Senior Advocate i/b Mr A. V. Hon, Advocate for petitioner;  
Mr S. Y. Mahajan, A.G.P. for respondent Nos.1 & 2;  
Mr A. B. Ghatge, Advocate for respondent No.3

**CORAM : PRASANNA B. VARALE  
AND  
MANGESH S. PATIL, JJ.**

**DATE : 4th December, 2018**

**ORAL ORDER:**

Heard Mr Hon, learned Senior Advocate appearing on behalf of the  
petitioner.

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2. With consent of learned Counsel appearing on behalf of respective parties, the petition is taken for final hearing/disposal.

3. The petitioner challenges the order dated 17th April, 2018, passed by the competent authority i.e. the Joint Secretary, Minority Development Department, Mantralaya, Mumbai. The challenge raised in the petition is of two fold. The first limb of the submission of learned Senior Advocate appearing for the petitioner in challenge to the order impugned in the petition is about non grant of appropriate opportunity of hearing to the petitioner and the second ground raised is, the authority has failed to consider the constitution of the trust and as in the constitution of the trust there are less than 50% members belonging to the religious minority or linguistic minority, the certificate granted in favour of respondent No.3 trust, being a minority institute is unsustainable.

4. On hearing Mr Hon at length and on perusal of the material placed on record, we are of the opinion that none of the grounds raised in the petition challenging the order impugned in the petition bear any merit. Insofar as the first ground i.e. opportunity of hearing is concerned, the authority in clear terms states in the order that on receiving a complaint application from the petitioner, the first hearing was scheduled on 4th April, 2018. For the first hearing, the petitioner and the representative of the institute trust along with

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the office bearers were present. They submitted their written statements along with the documents. As the petitioner failed to submit any material before the authority, the authority granted further time of 10 days to the petitioner. In spite of such opportunity granted to the petitioner, he failed to submit any material before the authority within stipulated period of 10 days. In the next hearing, the competent authority heard the petitioner himself as well as the other side. A reasoned order is passed by the authority. We would take the reasons later.

5. From the above referred material, we see absolutely no merit in the submission that opportunity of hearing was not granted to the petitioner and the order suffers from breach of principles of natural justice. The authority not only once, but on two occasions heard the petitioner and granted him opportunity to submit the documents, but for the failure of the petitioner, the authority was left with no choice but to proceed with the proceedings. On the backdrop of this fact, the petitioner can not blame that the opportunity of hearing was not granted to him.

6. Insofar as other ground raised by the petitioner to submit before this Court that there were as many as 7 trustees and out of these 7 trustees there were less than 50% trustees belonging to the linguistic minority or religious minority is concerned, the petitioner submitted before the authority as well as before this Court that the trust was consisting of 7 trustees, namely, Dr.

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Sayed K. Kazi, Dr. Rajkumar Nawalmal Gandhi, Dr. Chandrakant Somaji Kewal, Dr. Ramesh Ramnarayan Jaju, Dr. Sambhaji Ganpatrao Pansambal, Dr. Mohd. Asif Khudabaksh Kazi and Dr. Nadim Ahmed A. Aziz. It was the submission of learned Senior Counsel for the petitioner that out of these seven trustees, only three trustees, namely, Dr. Sayed K. Kazi, Dr. Mohd. Asif Khudabaksh Kazi and Dr. Nadim Ahmed A. Aziz were belonging to the religious minority, whereas other trustees, namely Dr. Rajkumar Nawalmal Gandhi, Dr. Chandrakant Somaji Kewal, Dr. Ramesh Ramnarayan Jaju and Dr. Sambhaji Ganpatrao Pansambal were belonging to non muslim. As such, it fails to comply with the prerequisite condition.

7. The aforesaid ground is dealt with by the competent authority in detail and by assigning the reasons, the authority observed that it could not find any favour with the petitioner. The reasons assigned by the authority are reflected in the order and the authority states that Dr. Chandrakant Sonuji Kewal and Dr Sambhaji Ganpatrao Pansambal, way back in the year 1992 and precisely on 17th May, 1992 submitted application to the Assistant Charity Commissioner, Ahmednagar requesting to delete their names. The trust is registered on 7th October, 1993. Now the trust submitted application for change by addition of two other persons, namely, Mr Tambatkar Rehan Shafi Ahmed Kazi and Mr Zishan Shafi Ahmed in place of Dr. Chandrakant Sonuji Kewal and Dr Sambhaji Ganpatrao Pansambal. This application was allowed by an order dated 2nd February, 2018. The competent authority

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though refers to these facts, but then coming back to the position of the trustees states that there were five trustees at the time of registration of the trust and excluding Dr. Chandrakant Sonuji Kewal, and Dr Sambhaji Ganpatrao Pansambal, out of other five trustees, three trustees were belonging to religious minority and they were muslim. As such, certainly, the number of these trustees was more than 50% who were belonging to religious minority.

8. This being the fact situation and position, the competent authority could not find any favour with the petitioner and by assigning the reasons this order is passed.

9. Considering all aforesaid aspects, we are of the opinion that no error is committed by the competent authority. The order passed by the authority is just and proper and by assigning reasons for reaching at the conclusion. The order impugned neither suffers from breach of principles of natural justice nor any illegality is found in the order. As such, we are of the opinion that the petition is thoroughly meritless and deserves to be dismissed at the threshold and same is dismissed accordingly.

**(MANGESH S. PATIL, J.)**

**(PRASANNA B. VARALE, J.)**

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