

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

918 WRIT PETITION NO.13617 OF 2018

Amrut Keshavrao Kasar and others

Petitioners

Versus

The State of Maharashtra and others.

Respondents.

...

Advocate for Petitioners : Mr. Choudhari N. L.

AGP for Respondents: Mr S W Munde

Coram : N.M. Jamdar, , J.

Dated : 7 December 2018

ORAL ORDER :-

1. By this petition, the petitioners have challenged the order passed by the Charity Commissioner, Dhule rejecting the application of the petitioners for joining them in the pending proceedings as a Persons interested as defined under section 73A of the Maharashtra Public Trusts Act.

2. The scheme was sanctioned on 30 September 2011. As per the Scheme, those who are interested in the Trust had to apply following the stipulations laid down therein, pays certain fees and then become a member. The Charity Commissioner has observed that the

petitioners have not followed the methodology and have not produced any evidence of being a member.

3. The learned counsel for the petitioners submitted that the petitioners have challenged the said scheme of the year 2011 and initially an application for stay was rejected, the petitioners filed a writ petition and the application for stay has been restored by this Court.

4. However, that the order was passed by this Court was on 20 August 2013. Thereafter, there has been no stay to the Scheme of the year 2011. The Scheme is in force for a period of nine years. It has not being set aside or stayed. Therefore, the Charity Commissioner was right in holding that the petitioners cannot be treated as persons interested. If there is a methodology to become a member, and consequently a person interested in the functioning of the trust; without following the said methodology, they could not have been joined. The Trust is an educational Trust.

4. In the circumstances, there is no merit in this petition. Writ Petition is accordingly rejected. If challenge to the Scheme of the year 2011 is still pending, the same will be decided on its own merits.

(N.M. Jamdar, J.)