

BDSPSPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1949 OF 1996
ALONGWITH
NOTICE OF MOTION NO.33 OF 1999
ALONGWITH
NOTICE OF MOTION NO.4 OF 1999
ALONGWITH
NOTICE OF MOTION NO.544 OF 2011
ALONGWITH
NOTICE OF MOTION NO.334 OF 2012
ALONGWITH
NOTICE OF MOTION NO.406 OF 2012
ALONGWITH
NOTICE OF MOTION NO.350 OF 2017
ALONGWITH
NOTICE OF MOTION NO.607 OF 2017
ALONGWITH
CHAMBER SUMMONS NO.68 OF 2018
ALONGWITH
NOTICE OF MOTION (L) NO.251 OF 2018
ALONGWITH
NOTICE OF MOTION NO.36 OF 2010
ALONG WITH
CHAMBER SUMMONS NO.131 OF 2018

Miss. Shakeela Abdul Karim Mulla

and others

..Petitioners/Applicants

Versus

State of Maharashtra and others

..Respondents

Ms. Tanya Barwal a/w Ms. Pamela Dalal i/by M/s. M. P. Vashi & Associates, Advocate for the Petitioner Nos.1, 2, 7, 8, 9, 11, 12, 14, and 15.

Ms. Manisha Gawde i/by Mr. Omar Khaiyam Shaikh, Advocate for Petitioner Nos.3, 4, 5, 6, 10 and 13.

Mr. Rajiv Mane, AGP for Respondent Nos.1 and 2.

Mr. Javed Shaikh a/w Mr. H. C. Pimple, Advocate for Respondent No.3.

Mr. Shaikh Nasir Masih a/w Mr. Nitesh Bhutekar, Advocate for Applicant in NMW No.607 of 2017.

Mr. Mujjaffar Y. Patel, Advocate for Respondent Nos.4 and 5.

Ms. Mohinee Chougule i/by Mr. Suresh Kumar – Regional Provident Fund Commissioner, opponent in NMW No.350 of 2017.

**CORAM: B. R. GAVAI &
SMT. BHARATI H. DANGRE, JJ.**

DATE: 25th APRIL, 2018

P.C.:-

1] This Court, by an order dated 19th April 2018, had directed that it would be appropriate if the Education Officer either himself or through his subordinate Officer conducts an inquiry as to whether majority of teachers whose services are approved by him are also supporting the Management which is represented by Respondent Nos.4 and 5.

2] Perusal of the Affidavit, would reveal that, the Management is split between two groups. However the group which is represented by Respondent Nos. 4 and 5 is having the support of majority of the teachers. Perusal of the Affidavit, would also reveal that the majority of the teachers whose services are approved by the Education Officer are supporting the Management which is represented by Respondent Nos. 4 and 5.

3] The Petition is basically filed for appointment of Administrators

since there was dispute between the two groups and the School was not being run properly. It appears that, this Court had also appointed a Board of Administrators consisting of the Education Officer and certain teachers. By efflux of time, most of the teachers who were appointed as Administrators, have been retired. It further appears that, the Petition has been amicably settled between Respondent Nos. 4 and 5 on one hand and Petitioner Nos. 2 to 12 and 14 to 15 on the other.

4] We are therefore of the considered view that, since the teachers who were appointed as Administrators along with the Education Officer, have now been retired and since the Education Officer is finding it difficult to manage the affairs of the Trust and since even as per the report of the Education Officer, majority of the teachers whose services have been approved by him are also undoubtedly supporting the group which is represented by Respondent Nos. 4 and 5, it would be appropriate that the said Respondent Nos. 4 and 5 be permitted to run the affairs of the School.

5] In that view of the matter, we recall our order of appointment of the Administrators and we permit the members of Respondent Nos. 4 and 5 as are appearing in Schedule-I of the Register maintained by the competent authority under the Bombay Public Trusts Act to manage the affairs of the said Trust.

6] Petition stands disposed of in the aforesaid terms. Since Petition

is disposed of, Notices of Motion taken out therein as also Chamber Summons, do not survive and the same are also disposed of.

(SMT. BHARATI H. DANGRE, J.)

(B. R. GAVAI, J.)