

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

WRIT PETITION NO. 7327 OF 2016

Dr. Babasaheb Ambedkar Shikshan Sanstha,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon, through its President -
Pandharinath Sakharam Sonawane Petitioner

Versus

Deputy Director of Education
Nashik Division, Nashik & Ors. Respondents

.....
Shri. Sushant V. Dixit, Advocate for the petitioner
Shri. S. P. Tiwari, AGP for respondent/State
Shri. A. V. Hon, Advocate for respondent No. 5
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WITH
CIVIL APPLICATION ST. NO. 8676 OF 2019
IN
WRIT PETITION NO. 7327 OF 2016

AND
WRIT PETITION NO. 4898 OF 2016

Satyabhan Pandharinath Sapkale Petitioner

Versus

The State of Maharashtra & Ors. Respondents

.....
Shri. A. D. Sonkawade h/f Shri. Ashwin V. Hon, Advocate for the
petitioner
Shri. S. P. Tiwari, AGP for respondent/State
Shri. S. V. Dixit, Advocate for respondent No. 5
Shri. Shaikh Mohammad Naseer, Advocate for respondent No. 6
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WITH
CIVIL APPLICATION ST. NO. 8679 OF 2019
IN
WRIT PETITION NO. 4898 OF 2016

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 13TH MARCH, 2019

ORAL ORDER:

1. It is reported that, the petitioner in Writ Petition No. 4898 of 2016 has expired. The learned counsel appearing for the petitioner in the said writ petition submits that, the separate Civil Application St. No. 8679 of 2019 is filed for substituting the name of Vasant Pandharinath Patil in place of the petitioner. In Writ Petition No. 7327 of 2016, respondent No. 5 is dead.

2. It appears that, as per the impugned order, there was a dispute between Pandharinath Sonawane and Satyabhan Sapkale for the post of President. However, respondent No. 5 is dead.

3. In the present writ petitions, it will not be necessary for us to go into the details as to who is in the Management nor any observation in the impugned order shall be construed as final and conclusive with regard to the post of President as the same would be beyond the purview and jurisdiction of the Dy. Director of Education. It is for the office of Charity Commissioner to determine as to the persons in the management of the Institution. Any observation made

under the impugned order would be without jurisdiction and would not bind any of the parties.

4. The petitioner in Writ Petition No. 7327 of 2016 is also challenging the rejection of his application challenging the approval granted to respondents No. 3 and 4 to the post of Headmaster. It is accepted by Shri. Dixit that both respondents No. 3 and 4 have retired from service on attaining the age of superannuation. It will not be worth now considering their approval as, both respondents No. 3 and 4 are not holding any office.

5. The other contention with regard to the proceedings taken up for appointment of Administrator is concerned, if the Dy. Director of Education finds that there is mismanagement, then certainly proceedings can be taken up, however, it is trite that administrator cannot be appointed without hearing the aggrieved parties.

6. It is made clear that, the respondents shall not take any decision with regard to the appointment of Administrator without notice to the Institution/Society and without considering their say.

7. With these observations, both the writ petitions stand disposed of. No costs.

8. In view of disposal of writ petitions, connected Civil Applications also stand disposed of.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde