

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

**901 CIVIL APPLICATION NO.10870 OF 2019  
IN FA/3647/2018**

**DR. CHANDRAKANT RANGNATH MAHAJAN AND ORS  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS**

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Advocate for Applicants : Shri C.V. Dharurkar h/f.  
Shri Datta A. Madake

AGP for Respondent – State : Shri A.A. Jagatkar  
Advocate for Respondents No.2 & 3 : Shri S.D. Tawshikar

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**CORAM : PR. BORA, J.  
Dated: October 16, 2019**

**PER COURT :-**

1. Leave to add the contents as about the vacancy arose of the Lab Assistant.

2. The present application has been filed by the appellants / applicants with the prayer that, the restrictions imposed by this Court vide Clause-iii of the order dated 29.01.2019 be removed. Shri Dharurkar, learned counsel appearing for the applicants submitted that, this Court vide the aforesaid order and more particularly Clause-iii of the said order has permitted the Management in seisin of the trust affairs only to look after the day-to-day affairs of the trust and not to take any policy decision. The learned counsel submitted that, in the meanwhile the post of the Sanskrit Teacher had fallen vacant and recently the post of Lab Assistant has also become vacant. The learned counsel submitted that, if both the aforesaid posts are not filled in within the reasonable period, the students would suffer and it is also likely that, the

sanction to the said posts may get lapsed. In the circumstances, the modification in the order is sought either to revoke the restrictions imposed or to pass necessary orders, so that the procedure for selection and appointment of the teachers, more particularly the Sanskrit Teacher and the Lab Assistant can be done. One more contention is raised that, Central Government has launched a scheme known as 'Atal Tinkering Lab' and the institution if applies for benefits under the said scheme, it is likely to receive the grants for establishment of the said lab. The permission is, therefore, sought that a specific order be passed permitting the present Body to apply and complete the necessary formalities for receiving the grants under the said Atal Tinkering Lab Scheme.

3. The request so made has been opposed by respondent nos.2 and 3. Dr. Tawshikar, learned Counsel appearing for the said respondents submitted that, in spite of the specific order passed by this Court to dispose of all the change reports within a period of six months, only because of the adamant attitude of the present appellants, the change reports are not yet decided. The learned counsel submitted that, in such circumstances, the appellants do not possess any right to seek any relief or any concession in the order passed by this Court. In the alternative it is submitted by him that such an application can be made before the Assistant Charity Commission and he can be directed to consider the said application on its merits by hearing both the sides and pass the necessary orders.

4. I find the alternate submission made by learned counsel Dr Tawshikar worth considering. In the circumstances, the following order is passed.

ORDER

(i) It would be open for the appellants / applicants to file an application to the Assistant Charity Commissioner seeking permission for the recruitment of the posts which have fallen vacant and which may fall vacant in the meanwhile period and if such an application is filed, the Assistant Charity Commissioner shall decide the said application by giving due opportunity to the parties concerned and pass the necessary orders on such applications within a week after the application is received.

(ii) The Civil Application stands disposed of in the aforesaid terms.

(iii) The Assistant Charity Commissioner is further directed to ensure that, the change reports are expeditiously decided in view of the orders passed by this Court.

( P.R. BORA, J. )

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