

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO. 2373 OF 2019

Bhor Education Soc. through its Secretary
Mr. Samir Suresh Wakankar ... Petitioner
V/s.
Pradeep Ramchandra Patil & Ors. ... Respondents

Mr. Nitin P. Dalvi for the Petitioner.
Mr. Sandeep Phatak for Respondent Nos.1 and 2.

CORAM : V.L. ACHLIYA, J.

DATE : 27th FEBRUARY, 2019.

P.C. :

1 By this Petition filed under Article 227 of the Constitution of India, the Petitioner has challenged the order dated 17.01.2019 passed by the Deputy Charity Commissioner, Pune Division, Pune. By virtue of the order impugned, the Deputy Charity Commissioner has directed the Petitioner-Trust to hold the election within two months from the date of order.

2 In brief, it is contention of the Petitioner that the Petitioner has notified the program to hold the election and in terms of the program notified by the Petitioner-Trust, in the month of January the elections are

scheduled to be held on 19.05.2019. It is submitted that the elections are posted in the month of May 2019 keeping in view that the most of the members are teachers and during the months of March and April, due examination, it will difficult for them to participate in the process of election.

3 On due consideration of overall facts of the case and more particularly the fact that the tenure of the Managing Committee of the Trust was expired in the year 2016, still elections are not conducted for a period of more than two years. I am of the view the Deputy Charity Commissioner is fully justified in issuing the directions to the Trust to hold the elections in a period specified in order. There is absolutely no reason for not to conduct the elections after the tenure of Managing Committee has come to an end in the year 2016. The total members of the Trust are claimed to be about 168 and most of them are the teachers by profession. There is no reason to avoid to hold election in terms of the order. Filing of such Petition is nothing but attempt to delay the conduct of election on the part of Petitioner-Trust.

4 Learned Counsel for the Petitioner further submits that the directions given in terms of clause (3) of the order would affect the interest of some of the members who became the members during the period 31.08.2013 to 30.08.2016. In my view such challenge on the part of the Trust is rather surprising. The Trust should not have any grievance to give effect to direction given by the Deputy Charity Commissioner. In that view the Petition filed devoid of merit and substance therein. I am, therefore, not inclined to entertain the Petition.

5 Learned Counsel for Respondent Nos.1 and 2 urged to record that the total members of the Trust is only 94 members and not 168 as stated by learned Counsel for the Petitioner. Since the issue of the membership is not subject matter of this Petition, same not relevant for the decision of Petition. The observations made in forgoing para made to that effect are made for the limited purpose that election can be conducted as per time period specified by Deputy Charity Commissioner.

6 In the result the Petition is dismissed with no order as to costs.

(V.L. ACHLIYA, J.)