

**FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR**

C.A.W. NO. 2503/2019 IN WRIT PETITION NO. 2715/2015 (D)

(MOHAN PARSHURAM BHANDARKAR (DECEASED) & OTHERS **VERSUS** NATTHUJI TANBAJI
FARANDE (DECEASED) & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.L. Khapre, counsel for applicants/petitioners.
Shri U.A. Aurangabadkar, counsel for NA-5 & 7/R-5 & 7.

CORAM : A.S. CHANDURKAR, J.

DATE : OCTOBER 01, 2019.

In this application, the applicants-petitioners pray that the executive body of Rashtriya Shikshan Sanstha Lakhani be permitted to conduct elections amongst the general body members to constitute a new executive body in view of the fact that the tenure of the earlier body would expire on 21.10.2019.

According to the applicants, in view of the observations made in the order dated 07.12.2015 passed in the aforesaid writ petition by which the parties were directed to maintain *status quo* and the body functioning was restrained from taking any major decisions, it is prayed that such relief be granted by this Court.

Shri U.A. Aurangabadkar, learned counsel for the respondent nos.5 and 7 opposed the prayer made in the application on the ground that the scheme proceedings itself are in challenge before the Court. Under that scheme which is under challenge, the petitioners herein cannot be permitted to conduct such elections.

It is not in dispute that pursuant to the scheme proceedings, presently the executive body as per that scheme is functioning. The term of that body would expire on 21.10.2019. It would therefore be necessary to permit the applicants to approach the District Court which is seized of the appeal wherein challenge to the scheme proceedings is pending to make such prayers as made in the present application. It would be open for the District Court to consider the prayer made by the petitioners in this application on its own merits. Needless to state that the direction of not taking any major decision would not come in the way of the present applicants if they seek permission to conduct elections. It is further observed that in case the prayer made by the applicants is accepted by the District Court, it is free to fix the schedule of the election accordingly.

The civil application is disposed of.

JUDGE

APTE