

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

**903 CIVIL APPLICATION NO.139 OF 2020
IN PUBLIC INTEREST LITIGATION NO.120/2019
WITH
PUBLIC INTEREST LITIGATION NO.120/2019**

**SHREE SAIBABA SANSTHAN SHIRDI THROUGH ITS CHIEF EXECUTIVE
OFFICER DEEPAK MADHUKARRAO MUGLIKAR
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS**

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Advocate for Applicant : Mr. Bhavar Nitin R
AGP for Respondents State : Mr S B Yawalkar
Advocate for the petitioners in PIL : Mr Ajinkya Kale i/by Talekar &
Associates
Advocate for Respondent No.4 : Mr. P.D. Jarare
Advocate for Respondent No.6 : Mr. A.V.Hon
Advocate for Respondents 3 & 7 : Mr V R Dhorde

CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.

DATE : 8th January, 2020

ORDER:

1. By way of present application,, the applicant Shree Saibaba Sansthan Shirdi, throughh its Chief Executive Officer prayed for approval to be granted to undertake exercise of issuance of E-tender in pursuance to Resolution Nos. 537 and 538 adopted by the Ad-hoc Committee of Shri Saibaba Sansthan Trust for printing literatures namely books on teaching and life of Shri Saibaba. Copy of the resolution dated 04.12.2019 are placed on record for perusal. Perusal of this resolution show that there is also a list of publications which the applicant proposed to print for circulation and to make them available to the devotees visiting at Shirdi or at other centres in other States

outside Maharashtra. These publications are multilingual publications i.e. Hindu, Tamil, Telgu, Kannad etc.

2. Learned counsel Mr. Bhavar also placed on record the statement showing latest availability of the stock of the publications in the main store and sub-store. The statement is taken on record and marked 'X' for identification. Perusal of the resolution show that specified fund of Rs.9 crores is allocated towards the publication of literatures. The applicant prayed for approval/permission for the proposed amount to the tune of Rs.2,09,75,000/- and Rs.1,19,35,000/- for publication of literature under the Resolution Nos. 537 and 538. Learned counsel for the respondents are having no serious objection for the approval to be granted to the applicant so as to undertake exercise of issuing E-tender for publication of literature.

3. As such, in view of statement of learned counsel Mr. Bhavar appearing for the applicant and for the reasons stated in the application, the application is allowed in terms of prayer clause- B. Civil application No. 139 of 2020 is accordingly disposed of.

4. Mr. Bhavar, the learned counsel for the applicant submitted that by order dated 3rd December, 2019 in Civil Application No.13029/2019, this Court directed respondent No.2 to place on record minutes of meetings scheduled on 04.12.2019 within three weeks from the date of order. Learned counsel Mr. Bhavar then invited our attention to the affidavit in reply filed in this court on behalf of respondent no.2 dated

18.12.2019 and the annexure to the affidavit in reply i.e. Proceedings of the meeting dated 04.12.2019. By inviting our attention to subject Nos.1 to 6, learned counsel Mr. Bhavar submitted that the Ad-hoc Committee appointed by this Court thought it fit to seek guidance of this Court as to whether the Committee can consider these subjects namely approval to the minutes of the earlier meetings. On perusal of our order dated 3.12.2019, we are unable to see any prohibition for the Adhoc Committee to take these subjects in the meeting for approval of minutes of the earlier meetings. It seems that the Adhoc Committee acted with over cautionary approach. It may not be out of place to state here that the documents placed before this Court i.e. proceedings of meeting dated 4th December, 2019 show that no objection was raised by anybody on the subject Nos. 1, 2, 3 4 and 6. As such, the Ad-hoc committee is at liberty to take decision on the aspect of subject of approval of minutes of the earlier meeting.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC