

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
135 WRIT PETITION NO.1188 OF 2020
WITH CA/2755/2020 IN WP/1188/2020 WITH CA/2754/2020
IN WP/1188/2020**

**MAHATMA BASWESHWAR EDUCATION SOCIETY LATUR THOROUGH
ITS SECRETARY ..PETITIONER**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. T. G. Gaikwad, Advocate for the Petitioner.
Mrs. V. N. Patil-Jadhav, AGP for Respondents-State.
Mr. R. S. Deshmukh, Senior Advocate i/by Mr. Vikas
G. Kodale, Advocate for Applicant in CA/2755/2020.
Mr. Sharad V. Natu, Advocate for Applicant in
CA/2754/2020.
Mr. Uday S. Malte, Advocate for Respondent Nos.2
and 3.
Mr. R. R. Deshpande h/f Mrs. Priyanka R. Deshpande,
Advocate for Respondent No.4.

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**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.
DATED : 02nd MARCH, 2020.**

PER COURT:-

1. Mr. Gaikwad, learned counsel for petitioner submits that the petitioner had forwarded the proposal seeking approval to the appointment of respondent no.4 as a Principal. The said proposal is not decided and behind the back of the petitioner today the communication is produced appointing one Mr. S. M. Dongarge as an incharge Principal. The University should follow the procedure.

2. Mr. Deshpande, learned counsel for respondent no.4 on instructions submits that

respondent no.4 has communicated that he is not interested to function as Principal. He is to retire within four months.

3. It appears that, there is dispute amongst the members of the management. The change reports are pending consideration with the office of the Charity Commissioner. Earlier Writ Petition bearing No.9962/2019 was filed by the institution. The same was disposed of by us under order dated 08.08.2019. The salary of the whole staff was withheld because of infighting amongst the members of the Trust. We had observed that members of the Trust are required to introspect.

4. Today, Mr. Malte, learned counsel for University placed on record the order dated 18.02.2020. Under the said order one Mr. S. M. Dongarge is appointed as an incharge Principal. He is restrained from taking policy decision. The same is for a period of six months.

5. As the change reports are pending, it is for the members of the institution to get orders under the amended provisions of Section 22 of the Maharashtra Public Trust Act for provisional acceptance of the change reports.

6. In view of the fact that, the dispute exists amongst the members of the management and the various change reports are pending, the

recourse adopted by the University cannot be faulted with.

7. If the orders are passed by the office of the Assistant Charity Commissioner where the change reports are pending regarding provisional acceptance of the change report, then the Authority may take steps in tune with the said orders.

8. Writ Petition accordingly disposed of. No costs.

9. In view of disposal of writ petition, present civil applications stand disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE