

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

WRIT PETITION NO.5388 OF 2022

**SYED WAJED SAYYAD QUADAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

...

Advocate for the Petitioner : Shri Nagargoje Prashant M.
AGP for Respondents 1 and 2 : Shri S.K.Tambe
Advocate for Respondent 3 : Shri V.S. Panpatte
Advocate for Respondent 4 : Shri N.L. Jadhav
Advocate for Respondent 4 : Shri R.J. Godbole

...

**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 22nd September, 2022

Per Court :-

1. Having briefly considered the submissions of the learned advocates representing the rival sides before us, it is obvious that the educational institution in question is in a mess. The order of the learned Single Judge dated 15.09.2022 passed in Writ Petition Nos.1533/2021, 8380/2020, 2039/2019 and 4324/2019, would indicate that the learned Judge was constrained to direct that fresh elections of the Trust should be held in terms of the directions issued by the Joint Charity

Commissioner within two months from the date of receipt of the writ of the Court, by the Assistant Charity Commissioner-II, Beed. It is, thus, clear that after the said elections are held under the supervision of the Assistant Charity Commissioner-II, Beed, the change report to be submitted by the newly elected body, would not be placed before him for adjudication.

2. We find that presently, there are two factions in this management. Consequentially, there are two groups formed even amongst the teaching staff. It is undisputed that the change reports of both the factions, who claim to have held the elections, have been rejected by the competent authority. One faction of the Trust is represented by the learned advocate Shri Godbole and the other faction is represented by the learned advocate Shri Jadhav. One group has appointed it's own Headmaster, who is represented by Shri V.S. Panpatte, the learned advocate, and another group has appointed the Headmaster, who is represented by Shri P.M. Nagargoje, the learned advocate. The petitioner's group has ensured that Shri Panpatte's client does not get salary. Shri Panpatte alleges that the petitioner is only interested in his salary and therefore, he has not forwarded the bills of his client. Shri Nagargoje vehemently refuted these allegations. Both the

groups do not allow these two Headmasters to sign the muster. The petitioner claims to be the in-charge Headmaster whereas, respondent No.3 claims to be the regular Headmaster. We find this situation to be utterly disturbing. We are of the view that in the interest of the students, an administrator needs to be appointed, who could at least control this institution till the elections are held in the light of the order of the learned Single Judge dated 15.09.2022.

3. After much deliberations and after instructions from the litigants, the learned advocates appearing for the respective sides are united in submitting that a Government Officer be appointed as the Administrator till the elections are held and the new body is handed over the charge of the Institution. Though the status-quo can be maintained till then, the Administrator, depending on the situation before him, should be permitted to take decisions.

4. In view of the above, the learned AGP suggested that as the Assistant Charity Commissioner-II, Beed, is appointed by the learned Single Judge to hold the elections, it would be appropriate to appoint him as an Administrator. All salary bills of the teaching and non teaching staff would be forwarded under the

signature of the Administrator to the Education Department for being cleared so as to enable the payment of salaries. This institution receives salary grants as well as non salary grants from the Government.

5. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) The Assistant Charity Commissioner-II, Beed, Mrs.Vishakha Patil, is appointed as an Administrator on respondent No.4/Institution till the elections are held and the charge is handed over to the newly elected body.

(b) The litigating parties have no objections to the appointment of the Assistant Charity Commissioner-II, Beed, as an Administrator.

(c) The Administrator would ensure that the salary bills of the teaching and non teaching staff are submitted to the Education Department, so as to be cleared for making payments of their salaries.

(d) The outstanding salaries of respondent No.3, represented by Shri Panpatte, would also be cleared, as an Assistant Teacher. The petitioner is also drawing salary as an Assistant Teacher.

(e) In case there is any situation that warrants a decision to be taken, the Administrator would be at liberty to take such decision in the interest of the Institution.

(f) After the elections are held, which is to be done within a period of two months as ordered by the learned Single Judge, the Administrator would then handover the charge to the newly elected body.

(g) By consent, until the elections are held and the newly elected body takes a decision as to who should be the Headmaster, the Administrator would choose a senior teacher, barring the petitioner and respondent No.3 and appoint him as an in-charge Headmaster.

(h) If any of the litigating parties before us or members of either faction or even the petitioner or respondent No.3, create any obstacle in the path of the Administrator, the Administrator would be at liberty to initiate appropriate action, or bring this issue to the notice of this Court, by filing a Civil Application in this disposed of petition.