

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

21 WRIT PETITION NO.10186 OF 2016

**WAGHUR SHIKSHAN PRASARAK MANDAL
VERSUS
DEPUTY COMMISSIONER,
DIVISIONAL COMMISSIONER OFFICE,
NASHIK AND OTHERS**

...

Advocate for the petitioner : Mr.L.V.Sangeet
AGP for Respondent-State : Mr.S.P.Tiwari
Advocate for Respondent no.4 : Mr.G.S.Rane

...

**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 03.01.2022

P.C. :

1] We have heard learned Advocate for the petitioner. Learned Advocate for the petitioner submits that dispute with regard to the change report after 2018 does not subsist. The change report submitted by the respondents showing Dilipsingh Pratapsingh Patil as Chairman was accepted by the office of Assistant Charity Commissioner and the change report of the year 2018 is pending adjudication. The roster has not been verified by the B.C. Cell only on the ground that dispute exists between the

persons in the management. Roster was for a period of 2002 to 2013.

2] Mr.Rane, learned Advocate for respondent no.4 submits that the petitioner wants to get roster verified showing Mr. Rajendra Pratapsingh Patil being appointed from open category. In fact, respondent no.4 is appointed from Open Category [general category].

3] B.C. Cell has to verify the roster in accordance with record and would not be concerned with the dispute amongst the members of the management. While verifying roster, B.C. Cell can consider the appointment orders and all other aspects of the matter. The B.C. Cell will have to consider the orders passed by this Court from time to time and as may be pointed out to it.

4] In the light of above, we pass the following order :

ORDER

i] The B.C. Cell shall verify the roster submitted by the institution. In doing so, the impugned communication dated 31.10.2015 would not be an impediment.

ii] The roster shall be verified on its own merits after considering all record and the judgment of this Court as may be pointed out to it by all interested parties. The said roster shall be verified preferably within 6 months.

iii] Writ Petition is disposed of. No costs.

iv] In view of disposal of Writ Petition, Civil Application No.3254 of 2020 does not survive and same stands disposed of.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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