

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

M.C.A. (REVIEW) NO. 870/2019 IN WRIT PETITION NO. 7185/2018 (D)

(ASTHA BAHUUDDESHIYA SHIKSHAN SANSTHA **VERSUS** THE DEPUTY DIRECTOR OF EDUCATION,
 NAGPUR DIVISION, NAGPUR & OTHERS)

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

Court's or Judge's order

Shri N.S. Warulkar, counsel for the applicant.
 Ms N.P. Mehta, Assistant Government Pleader for the NA-1 & 2.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : JULY 15, 2022.

Heard the learned counsel for the applicant who has referred the clarification issued by the State Government dated 16.07.2013 in the context of the Government Resolution dated 17.02.2012. As per Clause 12.3 of the Government Resolution dated 17.02.2012, permission of the Charity Commissioner under Section 36 of the Maharashtra Public Trusts Act, 1950 was necessary prior to handing over the School alongwith its Management. It has been subsequently clarified that if the property of the School was not to change hands then permission of the Charity Commissioner would not be necessary.

We have perused the order dated 24.10.2018 wherein it is observed that the compromise between the parties was not accepted under Section 36 of the said Act. We find that in the light of the clarification dated 16.07.2013 the prayers made in the writ petition require re-consideration.

The non-applicant nos.3 to 11 are duly served. Learned Assistant Government Pleader appears for the respondent nos.1 and 2.

In view of aforesaid, the order dated 24.10.2018 is recalled and Writ Petition No.7185 of 2018 is restored for fresh consideration. The miscellaneous civil application is allowed and disposed of.

WRIT PETITION NO. 7185/2018.

Put up for further consideration on 21.07.2022.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE

Signed By: Digitally signed
 by ROHIT DATTATRAYA
 APTE
 Signing Date: 18.07.2022 10:30