

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

...

WRIT PETITION NO. 3366 /2019

Shri Ghanshyam Wagduji Karemore

..Petitioner

versus

1) The State of Maharashtra and others

..Respondents

.....
Mr. V.K.Paliwal, Advocate for petitioner
Mr. A. M. Deshpande, AGP for Respondents 1 & 2
Mr. R.S. Khobragade, Advocate for Respondent 3
(Mr. Abhyankar, Advocate for Intervenor)
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CORAM: ROHIT B.DEO &
ANIL L.PANSARE, JJ.

DATED : 19th August, 2022.

P.C. :

Heard learned counsel for the parties.

2. By means of this petition, the petitioner is seeking the following reliefs :-

“(i) quash and set aside the impugned order dated 12.04.2018 at Annexure-I passed by the learned Education Officer (Primary), Zilla Parishad, Bhandara in M.J.C.No.115/2017 in the interest of justice, or further be pleased to :

(ii) by ad-interim relief stay the impugned order dated 12.04.2018 at Annexure-I passed by the learned Education Officer (Primary), Bhandara in M.J.C. No. 115/2017 in the interest of justice.”

3. According to the petitioner, by the impugned order, the Education Officer has reviewed his decision made on 31.01.2018.

4. We have gone through the communication dated 31.01.2018 so also the impugned communication dated 12.04.2018 and do not find that by communication dated 12.04.2018 the Education Officer has reviewed his earlier order. What has been communicated to the petitioner-Trust is to act in terms of order dated 27.11.2017 passed by this Court in Writ Petition No. 7460/2017, whereas vide order dated 31.01.2018, the Education Officer has withdrawn his earlier order allowing bank operation of the trust, jointly by the petitioner and the Principal of the School. Further, the petitioner only has been authorised to operate the bank account. Thus, by the subsequent communication, the Education Officer has clarified that the trustees should act in terms of order dated 27.11.2017 passed by the High Court, by which the trustees were directed not to take any decision having financial implication and were restrained from making appointments and transfers.

5. Our attention has been drawn to the order dated 04.04.2018 passed in the above-referred petition. While disposing of the petition, the Court noted thus:-

“ This Court while issuing notice on 27th November, 2017 has directed the trustees not to take any decision having financial implications and has also restrained them

from making appointments or transfers. Subject to administrative contingencies, this interim direction can continue to operate during pendency of the appeal.”

6. Having considered the rival contentions, there appears a faction in the trust, in as much as two groups are claiming to be managing the affairs of the trust. The appeal filed by the group of the petitioner has been dismissed. The dispute as to which group is entitled to manage the affairs of the trust continues. The parties may approach the Assistant Charity Commissioner for appropriate orders pending change report. In the circumstances, we deem it appropriate to continue the interim order dated 04.04.2018 passed in writ petition No.7460/2017.

7. We, however, grant liberty to the parties to approach the Assistant Charity Commissioner for appropriate order/s pending change reports.

8. Writ Petition is disposed of in the above terms. No costs.

[ANIL L.PANSARE, J.]

[ROHIT B. DEO, J.]

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