

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

WRIT PETITION NO. 7355/2022

(YOGIRAJ SHRI VIKTUBABA SHIKSHAN SANSTHA & ANOTHER **VERSUS** THE STATE OF
MAHARASHTRA & OTHERS)

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

Court's or Judge's order

Shri A.B. Patil, counsel for the petitioners.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : NOVEMBER 29, 2022.

An *inter se* dispute between the trustees of the public trust has resulted in issuance of a public advertisement on 15.11.2022 by one faction thereof. That faction seeks to undertake recruitment of various posts at the educational institution being run by the trust.

We find that in proceedings under Section 41A of the Maharashtra Public Trust Act, 1950 the learned Assistant Charity Commissioner has been pleased to refuse permission to take any major policy decision. The grievance of the petitioners is that despite said order, such activities are being undertaken.

Disputes of such nature can be made subject matter of the proceedings under Section 41D of the said Act. This Court in exercise of writ jurisdiction would be slow to entertain a dispute based on factual aspects. Hence, keeping all points raised in the writ petition open the petitioners are at liberty to take appropriate steps in accordance with law. However, it is open for the respondent no.3 to consider the representation dated 18.11.2022 moved by the petitioners in accordance with law.

The writ petition is disposed of with aforesaid observations. No costs.

(ANIL L. PANSARE, J.)

(A. S. CHANDURKAR, J.)

APTE

Signed By: Digitally signed
by ROHIT DATTATRAYA
APTE
Signing Date: 30.11.2022 14:51