



Corrected Judgment

**Corrections have been carried out in view of speaking to minutes
order dated 05.12.2023.**

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

WRIT PETITION NO. 3229 OF 2023

Chandrasagar Bahuudeshiya Sevabhavi
Sanstha, Aurad Shahajani,
Tq. Nilanga, Dist. Latur,
Through its President,
Balaji s/o Shivajirao Bhandare,
Age : 41 years, Occu. : Service,
R/o Aurad Shahajani, Tq. Nilanga,
Dist. Latur.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Principal Secretary
Social Justice and Special Assistance
Department, Mantralaya, Mumbai.
2. The Hon'ble Chief Minister,
Maharashtra State, Mumbai.
3. The Commissioner for Handicap
Welfare, Maharashtra State,
Pune.
4. The Regional Deputy Commissioner,
Social Welfare, Latur.
5. The District Social Welfare Officer,
Zilla Parishad, Latur,
Tq. and Dist. Latur.

6. The Chief Executive Officer,
Zilla Parishad, Latur,
Tq. and Dist. Latur.
7. Vidyabhushan Yuvak Mandal,
Buland Nagar, Udgir,
Tq. Udgir, Dist. Latur,
Through its Secretary. .. Respondents

Shri R. N. Dhorde, Senior Advocate a/w Shri P. S. Dighe, i/by
Shri V. R. Dhorde, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P for the Respondent Nos. 1, 3 & 4.
Shri U. B. Bondar, Advocate for the Respondent Nos. 5 and 6.
Shri S. S. Thombre, Advocate for the Respondent No. 7.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

CLOSED FOR JUDGMENT ON : 12.10.2023
JUDGMENT PRONOUNCED ON : 05.12.2023

JUDGMENT (Per Shailesh P. Brahme, J.) :-

. Rule. Rule is made returnable forthwith. With the consent of learned counsel for respective parties, taken up for final hearing at the admission stage.

2. By way of this petition, the petitioner is challenging the order dated 10.03.2023 passed by the respondent No. 2/Hon'ble Minister thereby (i) approving the report of the Commissioner dated 27.09.2018, (ii) confirming the orders dated 28.06.2022 cancelling the transfer of three schools, made in favour of the petitioner, and restoring the schools to the respondent No. 7 and (iii) directing to take steps to grant licence to run the school to the respondent No. 7.

3. The petitioner is an educational institution and claims to run :

- (a) Indira Gandhi Niwasi Apang Vidyalaya,
- (b) Swami Ramanand Teerth Niwasi Mukbadhir Vidyalaya
and
- (c) Rajiv Gandhi Niwasi Mati-Mand Vidyalaya

All these schools situate in Latur District. These are the special schools meant for differently-abled students. Initially, in the year 1994-1995, the respondent No. 7 was granted permission to start these schools on Grant in Aid basis at Aurad Shahajani, Tq. Nilanga, Dist. Latur. From the year 2011-2012 the schools were shifted to Udgir by the respondent No. 7.

4. There is chequered history of various rounds of litigation, enquiries, reports and the orders passed by various authorities/Courts. The petitioner and the respondent No. 7 have rival claims over the schools. To decide the controversy involved in this petition, it is not necessary to reproduce the history. Shorn off the unnecessary details, we propose to concentrate on relevant facts, submissions of the parties and the reasoning. Following are the relevant facts :

- i. The respondent No. 7 was permitted to run three schools at Aurad (Shahajani), Tq. Nilanga. Because of the detrimental activities, by Government Resolution dated 05.07.2023 the schools were transferred to the petitioner from the respondent

No. 7.

ii. By orders dated 16.06.2015 and 06.08.2015 the registration of the schools in question was renewed in favour of the petitioner from 01.04.2011 to 01.11.2013.

iii. On 02.07.2015, the respondent No. 7 made representation to the Hon'ble Minister to restore the schools to it by transferring the schools from the petitioner.

iv. On 27.07.2017, the respondent No. 3-Commissioner prepared a report directing to recover the amount of salaries from the petitioner, which was disbursed for the period 01.04.2011 to 01.11.2013.

v. On 06.04.2018, an order was passed by the Hon'ble Minister cancelling the licence/registration of the petitioner and to recover the amount of the salary wrongly disbursed to the employees.

vi. On 27.09.2018, the respondent No. 3/Commissioner prepared a report holding that the petitioner was involved in illegal activities and misappropriation.

vii. On 17.10.2019, judgment and order was passed in Writ Petition No. 1100 of 2019 and Writ Petition No. 6628 of 2019 quashing report dated 27.07.2017 of the respondent No. 3 and order dated 06.04.2018 passed by the Hon'ble Minister. It was

directed to hear the parties and to take decision afresh.

viii. On 28.06.2022, an order was passed by the Hon'ble Minister directing to transfer the schools from petitioner to the respondent No. 7.

ix. On 08.09.2022 an order was passed in Writ Petition No. 7132 of 2022, quashing the order of Hon'ble Minister dated 28.06.2022 and remanding the matter for fresh consideration after hearing the parties.

x. The matter was heard by the Hon'ble Minister, litigating sides made submissions and the report submitted by the respondent No. 3/Commissioner was also considered.

xi. On 10.03.2023, the impugned order was passed by the Hon'ble Minister transferring the schools from the petitioner to the respondent No. 7.

5. Admitted facts are as follows :

I. On 05.07.2013, three schools of the respondent No. 7 were transferred to the petitioner and the schools were with the petitioner till passing of the impugned order.

II. The petitioner was granted renewal of registration of three schools upto 31.03.2024, which has not been cancelled till date.

III. The respondent No. 3 filed its report before the Hon'ble

Minister in the last hearing conducted by the Hon'ble Minister.

IV. Order dated 27.07.2017 passed by the Commissioner and order dated 06.04.2018 passed by the Hon'ble Minister were quashed by the High Court by common judgment and order 17.10.2019 passed in Writ Petition No. 1100 of 2019 and Writ Petition No. 6628 of 2019.

V. The respondent No. 7 has applied for the registration, but due to the interim orders passed in the present petition, it has not been granted.

VI. By the impugned order dated 10.03.2023 the Hon'ble Minister directed to transfer three schools from the petitioner to the respondent No. 7. The respondent No. 7 is further directed to secure registration.

6. Impugned order is based upon the following findings.

a. The recovery of Rs. 2,02,95,479/- taken out against the petitioner for illegal disbursement of salary from 01.04.2011 to 01.11.2013 by the orders of Commissioner has been quashed and set aside by the High Court vide a petition filed by the petitioner.

b. There was no report submitted by the respondent No. 3/Commissioner in respect of allegations against the petitioner for not accommodating the previous employees of the schools and for illegally recruiting the new employees.

c. There was a resolution dated 30.05.2016 passed by the respondent No. 7 for not running the schools at Aurad (Shahajani).

d. The registration of two schools of the petitioner is renewed upto 31.03.2024 and for the third school the renewal is awaited.

e. Though there is impediment of clause No. 3 in Government Resolution dated 15.03.2019 for transferring the schools to the respondent No. 7-original institution, however, the respondent No. 7 being the original institution, has a preferential right. The schools can be restored to the respondent No. 7 on certain conditions.

7. The litigating sides have referred to various Acts and policies. They have referred to Section 49 to Section 51 of the Rights of Persons with Disability Act, 2016 (hereinafter referred as to the 'Disability Act'). They have referred to the Maharashtra Educational Institutions (Management) Act, 1976 and Maharashtra Educational Institutions (Transfer of Management) Act, 1971. They have also referred to the provisions of the Maharashtra Special Schools for Disables and Training Center Code, 2018 (for short "Handicap School Code") promulgated by Government Resolution dated 18.07.2018. The clause No. 83 is as follows :

(83) उपक्रमांचे हस्तांतर व स्थलांतर

(एक) स्वयंसेवी संस्थामार्फत चालविण्यात येणा-या शासन मान्यता

प्राप्त व नोंदणी प्रमाणपत्र प्राप्त अपंगांच्या कायम स्वरूपी विना अनुदानित, विना अनुदानित, अनुदानित अपंगांच्या विशेष शाळा व प्रशिक्षण केंद्र, संलग्न वसतिगृह, मतिमंद बालगृहांचे हस्तांतर व स्थलांतर संस्थेस करावयाचे असल्यास (परिष्ठा ११) मधील शासन निर्णय दिनांक 16.09.2017 अथवा शासन यामध्ये वेळोवेळी सुधारणा करेल त्याप्रमाणे करण्यात येईल.

(दोन) सक्षम प्राधिका-याच्या मान्यतेशिवाय संस्थेने वरील उपक्रम हस्तांतर व स्थलांतर केल्यास संबंधित संस्थेस त्या त्या उपक्रमाकरिता दिलेले नोंदणी प्रमाणपत्र रद्द करण्यात येईल व शासनाकडून देण्यात येणारे अनुदान तात्काळ बंद करण्यात येईल.

8. There is reference to the Maharashtra Educational Institutions (Transfer of Management) Act, 1971 and the Maharashtra Educational Institutions (Management) Act, 1976. But impugned order pertains to transfer and shifting of Special Schools. It's nobody's case that the procedure contemplated under any of above Acts was ever undertaken. The transfer and shifting of special schools are governed by Handicap School Code.

9. The Government Resolution dated 15.02.2019, produced at page No. 275 is a policy laid down by the Government to regulate transfer and shifting of the special schools. Clause No. 1 (16) refers to the objective satisfaction of the competent authority for arriving at the conclusion that if the school is not being run in accordance with the conditions stipulated by the Government or it is detrimental to the aims and objects and the students, then the competent authorities are empowered to transfer and shift the schools.

10. The learned senior counsel Mr. R. N. Dhorde representing the petitioner has made following submissions.

A. The impugned order is without jurisdiction because the Hon'ble Minister is not the competent authority under the Disability Act, but the power was entrusted to the Deputy Commissioner as per G. R. dated 27.01.2014.

B. The orders of the revocation of the registration of the schools passed against the respondent No. 7 were confirmed by the High Court, hence it is not entitled for the restoration of the schools. Impugned order amounts to sitting over the judgment of the High Court in Writ Petition No. 4175 of 2013.

C. There was no application by the respondent No. 7 seeking restoration of the school as the registration was already cancelled, hence order of restoration is perverse and arbitrary.

D. The earlier successive attempts of the respondent No. 7 to secure the restoration of the schools had failed. The schools are illegally restored.

E. The restoration of the schools is against clause 1(3) of the G. R. dated 15.02.2019.

F. The *ex-parte* order dated 28.06.2022 passed by the Hon'ble Minister was quashed by High Court in Writ Petition No. 7132 of 2022 by order dated 08.09.2022. Thereafter no proper enquiry

was conducted by the respondent Nos. 1 and 2.

G. The respondent No. 7 is not running the schools because there was no restoration of the schools to the respondent No. 7.

H. There is no application for registration of the schools by the respondent No. 7 till this date.

I. The learned senior counsel relied upon the judgments of the Supreme Court in the matter of **Chandrika Jha Vs.State of Bihar** reported in ***AIR 1984 SC 322*** and in the matter of **Raghunath Rai Bareja and another Vs. Punjab National Bank and others** reported in ***(2007) 3 SCC 230***.

11. The learned counsel Mr. S. S. Thombre for the respondent No. 7 has made following submissions.

(i) It is not a case of transferring of the schools because the petitioner was allotted the schools in question in the year 1995. It is a matter of restoration and the Hon'ble Minister is empowered to restore the schools.

(ii) The impugned order is passed after considering submissions of the parties, report of the Commissioner and extending opportunity of hearing to the stake holders, which cannot be faulted.

(iii) There was no registration of the school from the period 2011 to 2013 and the schools were not in operation. Despite that

fraudulently and by misrepresentation the petitioner got disbursed the salary of the employees to the tune of Rs. 2,02,95,479/-. The petitioner siphoned huge amount which was revealed in the enquiry by the competent authority and the action was also proposed for the recovery of the same. The petitioner is not eligible to retain the schools.

(iv) There was already direction issued against the petitioner vide letter dated 27.07.2017 passed by the respondent No. 3/Commissioner for recovery of the huge amount of Rs. 2,02,95,479/-. The activity of the petitioner was detrimental. Therefore, on 27.09.2018 the report was submitted by the respondent No. 3/Commissioner for taking action against the petitioner and recommending the restoration of the schools to the respondent No. 7. This is rightly confirmed by the impugned order.

(v) The transferring of the schools to the petitioner in the interregnum period is criticized by the High Court in its judgment dated 09.01.2014 in W. P. No. 5618 of 2013.

(vi) The initial transfer of the schools to the petitioner was without following due procedure of law and the same is rightly rectified by the impugned order.

(vii) The communications dated 07.09.2018 and 27.09.2018 have not been quashed.

(viii) The Hon'ble Minister is justified in confirming the order dated 28.06.2022 passed by the Minister restoring schools from the petitioner to the respondent No. 7.

(ix) The respondent No. 7 has applied for the registration, but because of the orders of the *status quo* no further decision has been taken. The respondent No. 7 is actually running the schools from 01.07.2022, which is reflected in the report dated 26.07.2022.

(x) The provisions of the Maharashtra Educational Institutions (Transfer of Management) Act, 1971 are invoked for transferring the schools. As per Section 21 of the General Clauses Act, the restoration of the schools is justified and has sanctity of law.

(xi) Reliance is placed on the judgment of the Supreme Court in the matter of **Kamala Prasad Khetan Vs. The Union of India** reported in ***AIR 1957 SC 676*** and judgment dated 08.09.2021 in **Writ Petition (Civil) No. 1374 of 2020** rendered by the Supreme Court in the matter of **Common Cause Vs. Union of India and others**.

12. The learned Additional Government Pleader appearing for the respondent Nos. 1 to 5 has made following submissions.

a. The transfer of the special schools is regulated by the G. R. dated 15.02.2019. There is prohibition stipulated in Clause 1(3)

for restoring the schools. But considering special circumstances the order of restoration is passed.

b. The Disability Act is not applicable because it does not deal with the transfer of the schools. Clause No. 83 of the provisions of the Handicap School Code is relevant and therefore the G. R. dated 15.03.2019 is applicable.

c. The Government Resolutions dated 19.07.2003 and 04.12.2003 are superseded by the G. R. dated 15.02.2019.

d. The Hon'ble Minister has power to transfer schools in view of conditions stipulated in G. R. dated 05.07.2013.

e. Though the respondent No. 3/Commissioner has given report stating that there was no siphoning of amount but it was only irregularity regarding the arrears from 01.04.2011 to 01.11.2013 was not conclusive and cannot enure to the benefit of the petitioner.

f. The petitioner committed fraud and siphoned amount of Rs. 2,02,95,479/- by misrepresenting the respondent authorities and, therefore, it is not eligible to retain the schools. The Hon'ble Minister is justified in passing the impugned order.

13. We have considering the rival submissions advanced by the litigating parties across the bar. We have also referred to various provisions of the Act.

14. Disability Act provides for the registration of the institution for the persons with disabilities under Chapter IX. Section 49 of the Disability Act prescribes the competent authority. According to the petitioner the Deputy Commissioner is the competent authority as per the Government Resolution dated 27.01.2014. Section 52 of the Disability Act is in respect of the revocation of the registration and Section 53 provides for remedy of appeal.

15. By the impugned order the registration of the petitioner has not been cancelled/revoked. The petitioner was entrusted schools from 05.07.2013. Thereafter, the registration of schools has been renewed, which is to expire on 31.03.2024. The renewal orders are placed on record by the petitioner at page No. 120 to 122. The revocation of the registration has not been ordered, either in earlier order of the Hon'ble Minister dated 28.06.2022 or the impugned order dated 10.03.2023. The impugned order pertains to simplicitor transfer of the schools. Transfer or shifting of special schools does not come within the purview of Disability Act. The provisions in Chapter IX are not attracted. Therefore the submissions of the learned senior counsel for the petitioner that the respondent authority has no jurisdiction for revocation of the registration has no merit.

16. The present matter pertains to the transfer and restoration of the schools. The learned Addl. G. P. has rightly pointed out that the Disability Act is silent so far as transfer of the special schools is concerned. It only deals with the registration and its

revocation under Chapter IX. Handicap School Code has been promulgated by G. R. dated 18.07.2018. This Code of 2018 provides for transfer and shifting, by Clause No. 83. The Clause No. 83 has already been referred to above and shows that G. R. dated 16.09.2017 and the subsequent revised policies would regulate the transfer and shifting.

17. The Government Resolution dated 15.02.2019 has been placed on record at page No. 277. There is reference at Sr. No. 01 to the earlier Government Resolutions dated 19.07.2003 and 04.12.2003. These resolutions have been superseded by G. R. dated 15.02.2019 and a modality is stipulated for transferring and shifting of the special schools in its four clauses. The relevant part is clause 01, Sub Clause (03) is as follows :

(३) व्यवस्थापनाच्या चुकीमुळे जी अपंगांची शाळा/कर्मशाळा बंद पडली आहे अथवा मान्यता रद्द झालेली आहे, अथवा नोंदणी प्रमाणपत्र रद्द झालेले आहे, अशा अपंगांच्या विशेष शाळा/कर्मशाळा त्याच संस्थेस हस्तांतरित करण्यात येणार नाहीत. सदर विद्यार्थी लगतच्या अपंगांच्या विशेष शाळा/कर्मशाळेत वर्ग करण्यात येतील व त्या संस्थेचा समावेश काळ्या यादीत (Black List) करण्यात येईल.

18. There is a prohibition for restoration or re-transfer of the schools to the original management due to whose defaults the school was required to be closed down and the registration was cancelled. This prohibition is an impediment for restoring the schools to the respondent No. 7. The respondent No. 7 was allotted three schools in the year 1995. Thereafter, the respondent No. 7 committed the illegalities by shifting the

schools. The activities were found to be detrimental to the interest of the students. The directions were issued to the respondent No. 7 to close down the schools.

19. It is useful to refer to the judgment and order dated 10.10.2012 passed in Writ Petition No. 6092 of 2012, which was filed by the office bearer of the petitioner. By the order which is at page No. 53, the respondent No. 7 was restrained from running the schools at the transferred place at Udgir and the schools were directed to be closed down. Further directions were issued to the State Government to make arrangements to entrust the schools to the institution willing to run the schools at Aurad. This judgment was challenged in the Supreme Court, but special leave petition was dismissed on 19.10.2012.

20. Thus the respondent No. 7 is a defaulting management. Due to its defaults the action was required to be taken against it for shifting the schools. High Court and the Supreme Court decided against the respondent No. 7. Under these circumstances, in view of Clause No. 1, sub Clause 3 of the G. R. dated 15.02.2019, it is impermissible to restore the schools to the respondent No. 7. Despite that, by the impugned order the direction is issued to restore the school to the respondent No. 7 only on the ground of preference. This is against own policy of the respondent No. 1.

21. The reason assigned in para No. 7 of the impugned order that it would not be possible to appoint administrator or entrust

the schools to any third party institution does not stand to reasons. We find it to be absolutely arbitrary and high handed. The submissions of the learned counsel for the petitioner in this regard are well founded. Pertinently, the learned Addl. G. P. has also fairly made submissions in this regard. Therefore, the restoration of the schools to the respondent No. 7 is unsustainable.

22. We have noticed that the allegations are made against the petitioner in respect of siphoning of funds of Rs. 2,02,95,479/- towards arrears of salary from 01.04.2011 to 01.11.2013. On 27.07.2017 a letter was issued by the respondent No. 3/Commissioner directing recovery of the amount in question. Thereafter, the Hon'ble Minister passed order on 06.04.2018 reiterating the action of recovery. On 27.09.2018 the Commissioner also forwarded the report to propose recovery of 50% from the employees and 50% from the petitioner. By common judgment and order dated 17.10.2019 passed by this Court in Writ Petition No. 1100 of 2019 and Writ Petition No. 6628 of 2019, the above orders are quashed and set aside. A decision afresh was directed to be taken after extending opportunity of hearing.

23. During the course of enquiry wherein impugned order was passed no decision was placed on record to point out that after the orders of High Court referred to above, the recovery has been proposed and implemented. In above context the finding is recorded in para No. 5(3) of the impugned order. Therefore, the

submissions of the learned counsel for the respondent No. 7 that the petitioner is guilty of misrepresentation and siphoned huge amount of Rs. 2 crores cannot be countenanced. The respondent No. 7 has not challenged this particular finding recorded in favour of the petitioner.

24. On the contrary, the report of the respondent No. 3/Commissioner which was produced before the Hon'ble Minister in the earlier round mentions that the salary grant was disbursed to the petitioner for 01.04.2011 to 01.11.2013 and it was credited to the accounts of the employees and this was not the matter of any misappropriation but was merely an irregularity. This particular part of the report is referred to in the order dated 07.11.2022, passed by the Hon'ble Minister which is on record at page No. 291.

25. In paragraph No. 5(4) of the impugned order it is recorded that no reply was filed on record by the respondent No. 3/Commissioner to deal with allegations against the petitioner for not accommodating the previous employees of the schools and illegally recruiting the new employees. The learned counsels appearing for the litigating parties have not made any submissions in this regard. This finding also goes unchallenged. Therefore, the allegations against the petitioner have not been proved. It is further recorded in para No. 5(5) that the respondent No. 7 was not willing to run the school at Aurad Shahajani. Thereafter para No. 6 refers to renewal of licence up to 31.03.2024 in favour of the petitioner.

26. The findings recorded in paragraph No. 5(3) to 5(6) starting from page No. 325 are in favour of the petitioner. In the wake of these findings the impugned order is self contradictory in divesting the schools from petitioner and restoring them to respondent No. 7. Only reason which is assigned in para No. 5(7) for restoring the schools to respondent No. 7 is preference. We have already recorded our disapproval for this, in paragraph No. (19).

27. From the above scenario, it reveals that the petitioner has registration of the schools concerned upto 31.03.2024 which has not been cancelled. There is no objective satisfaction for holding petitioner guilty of any fraud or siphoning the amount of Rs. 2,02,95,479/-. Under these circumstances, the impugned order and directions are absolutely unsustainable being perverse and arbitrary.

28. The learned senior counsel for the petitioner has relied upon the judgment in the matter of **Chandrika Jha Vs.State of Bihar** and **Raghunath Rai Bareja and another Vs. Punjab National Bank and others** (supra). We do not find the law laid down therein is applicable to the present case. We have already recorded our finding against the petitioner for the submissions that the Hon'ble Minister has no jurisdiction to pass the impugned order.

29. The learned counsel for the respondent No. 7 has relied

upon the judgments in the matter of **Kamala Prasad Khetan Vs. The Union of India** and judgment dated 08.09.2021 in Writ Petition (Civil) No. 1374 of 2020 rendered by the Supreme Court in the matter of Common Cause Vs. Union of India and others (supra). Both these judgments pertain to General Clauses Act. He has pressed into service Section 21 of the General Clauses Act. We are in disagreement with the submissions of the learned counsel for the respondent No. 7. Section 21 of the General Clauses Act is not attracted. Present case is covered by the powers of transfer and shifting stipulated by the Handicap School Code and Government Resolution dated 15.02.2019. When there is direct provision empowering transfer, the recourse to Section 21 of the General Clauses Act to infer the power of restoration is not warranted.

30. Though the petitioner has registration of two schools upto 31.03.2024, the periodical surveillance over their administration, quality of education being imparted, facilities and following of the service conditions of the employees is necessary. The petitioner will have to be abided by the terms and conditions and has to offer the schools for periodical inspections.

31. For the reasons stated above, we pass following order :

ORDER

A. The writ petition is allowed.

B. The impugned judgment and order dated 10.03.2023

passed by the Hon'ble Minister is quashed and set aside.

- C. The petitioner is permitted to run the schools in question at Aurad Shahjani, Tq. Nilanga on the terms and conditions stipulated by the competent authorities previously and that would be imposed in future, subject to the periodical inspections.
- D. The Rule is made absolute in above terms. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

32. After pronouncement a request is made by the learned advocate for the respondent No. 7 pointing out that by virtue of the order dated 23.03.2023 interim relief was in operation and the *status quo* was expected to be maintained. He requests that the same arrangement may be allowed to be continued for a reasonable time to enable the respondent No. 7 to approach the Supreme Court.

33. Irrespective of the scope and effect of the interim relief, there cannot be a dispute that indeed there was an interim relief by virtue of the order dated 23.03.2023. If the scenario is allowed to be changed pursuant to the order we are passing that could complicate the fact situation.

34. Operation of the present order shall stand stayed for two weeks from today.

[SHAILESH P. BRAHME, J.]
bsb/Dec. 23

[MANGESH S. PATIL, J.]