

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

WRIT PETITION NO. 7414 OF 2023

Bhagwan Shikshan Prasarak Mandal,
Through its Secretary
Dr. Rajeev Yadavrao Khedkar

..PETITIONER

VERSUS

1. State of Maharashtra
2. The In-charge Joint Charity Commissioner,
Aurangabad

..RESPONDENTS

....
Mr. A.M. Karad, Advocate for petitioner
Mr. A.R. Kale, A.G.P. for respondents
....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 12th JULY, 2023**

PER COURT :

1. Heard.
2. Issue notice for final disposal of this petition to the respondents.
Learned A.G.P. waives service of notice for both the respondents.
3. The employees of the petitioner – trust had filed a writ petition, No. 5150 of 2013 against the petitioner itself for arrears of salary in terms of 6th pay commission report. The said writ petition was allowed vide order dated 15th January, 2018. The petitioner unsuccessfully challenged the said order in S.L.P. Since the said order was not complied with, the employees

filed Contempt Petition No. 268 of 2018. This Court, vide orders dated 01st and 05th April, 2022, accepted the statements made by the petitioner - trust that one of its properties, agricultural land would be sold after obtaining permission from the Joint Charity Commissioner and the sale proceeds would be applied towards compliance of order passed in the writ petition.

4. The record indicates that accordingly the petitioner – trust preferred not less than four applications under Section 36 of the Maharashtra Public Trusts Act, 1950. The concerned Joint or Deputy Commissioner, for one or other reason rejected those applications. Last such order of rejection is dated 23rd May, 2023 passed by the In-charge Joint Charity Commissioner. Present writ petition has been filed taking exception to the said order.

5. As such, the petitioner – trust seeks permission to sell its agricultural land, bearing Gut No. 295 situated at village Gandheli, Tq. & Dist. Aurangabad. Since the arrears of salary are to be paid and the petitioner – trust is ready to sell the said land, we allow this petition setting aside order dated 23rd May, 2023. The sale shall be conducted by Joint Charity Commissioner, Aurangabad in terms of order passed by this Court on 04th May, 2023. The sale proceeds shall be deposited with this Court, no sooner the sale is confirmed / made absolute.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

SSD