

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8776 OF 2023
IN
WRIT PETITION NO.8134 of 2023

Manoj Ghanshyam Birla
and another

.... Applicants

Versus

Deputy Charity Commissioner,
Jalgaon and others

.... Respondents

.....

Mr. Girish S. Rane, Advocate for the Applicants

Mr. P.N. Kutti, AGP for respondent No.1

Mr. V.D. Hon, Senior Advocate i/b Mr. D.D. Pande, Advocate for
Respondent Nos. 3 to 10

Mr. Ranjit A. Shedge, Advocate for Respondent Nos.14 to 17

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JULY, 2023

ORDER :

1. This application seeks modification of the order dated 11/07/2023 in Writ Petition No.8134 of 2023, in view of subsequent events.

2. By order dated 11/07/2023, respondent No.1 was directed to appoint responsible officer from his office as Election Officer to conduct the elections of Respondent No.2-Trust. The learned Assistant Government Pleader was orally directed to communicate the said order to respondent No.2 on

the same day, so that the Election Officer from the office of Respondent No.1 could take charge and conduct the election programme from stage-3, which was to take place on 12/07/2023.

3. It appears that the learned Assistant Government Pleader failed to communicate the said order on the same day, and it was communicated on 14/07/2023 by the office of Government Pleader.

4. The applicants have raised grievance that, the earlier Election Officer advocate Mr. Vaijnath N. Dhanawale has accepted the objections raised by applicant No.1 and other members of the Trust to the provisional voters list, considered them, and without giving opportunity of hearing of the applicants, rejected the said objections. As per election programme, no final voters list was published on 14/07/2023. The then Election Officer resigned in the afternoon on 14/07/2023, when he was directed to be replaced by the order of this Court.

5. Till 11/07/2023, two stages of the election were held, i.e. (1) on 04/07/2023, election programme was declared by the then Election Officer, and (2) on 11/07/2023, provisional

voters list is published. Since the order replacing the Election Officer is passed on 11/07/2023, the then Election Officer was not authorized to conduct the election process on 12/07/2023. Hence, the subsequent stages of the election conducted by then Election Officer, is without jurisdiction. Therefore, the election programme needs to be modified.

6. In the result, the following order is passed;

ORDER

In the operative order dated 11/07/2023, after clause (II), following clauses be incorporated.

II(a) Following modified election programme from stage-3 shall be implemented by the Election Officer;

Sr. No.	Stage	Date and time
1	Filing of objections to the preliminary members/voters list and after hearing, decision on the same.	24/07/2023 and 25/07/2023 10.00 a.m to 2.00 p.m
2	The result of preliminary members/voters list to be announced by publishing the final voters list.	26/07/2023
3	Sale, acceptance of nomination forms and objections to nominations.	27/07/2023 and 28/07/2023 10. a.m. to 2.00 p.m
4.	Scrutiny of nomination forms and publishing the list of validly nominated candidates.	29/07/2023 10.00 am. To 2.00 p.m

5.	Withdrawal of candidature and publication of final list of candidates.	30/07/2023 10.00 am. To 2.00 p.m
6.	Allotment of Election symbols.	31/07/2023
7.	Election campaign period.	01/08/2023 and 02/08/2023 10.00 am. To 2.00 p.m
8.	The election of managing/ executive body shall be held	04/08/2023

"II(b) The above modified election programme shall be declared in the local newspapers, on or before 19/07/2023.

II(c) The candidates, who have filled-in nomination forms alongwith deposit, if any, their deposit shall be refunded to them, and they will be entitled to fill-in fresh nomination form."

7. Parties to act upon copy of this order duly authenticated by the Court Sheristedar.

8. Civil Application is disposed of

**[NITIN B. SURYAWANSHI]
JUDGE**

S.P. Rane