

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12993 OF 2022

RAMRAO MAROTI VYAVAHARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPLE SECRETARY AND OTHERS

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Advocate for the Petitioners : Shri Thote Dhananjay K
AGP for Respondents 1 to 5/State : Shri S.G. Karlekar

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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 27th January, 2023

Per Court :-

1. The mismanagement of the society was noticed and this Court (Coram : Naresh H. Patil, C.J. and V.M.Deshpande, J.) directed in Writ Petition No.170/2019 (*Marotrao Nagorao Shinde and others vs. The State of Maharashtra and others*), vide order dated 25.03.2019 in paragraphs 4, 5, 6 and 7, as under:-

“4. *In the interest of administration of the institution, at this stage, we are of the view that the Administrator or a Committee of Administrators shall be appointed till the appropriate decisions are taken and such a Committee shall be placed into office for running the affairs of the Trust. In the meanwhile, if the parties to the Trust come together and decide unanimously for getting a committee appointed to run the Trust/ educational institution, comprising members of their choice, then such a request can also be considered.*

5. *We direct the Deputy Director of Education to appoint a Committee of responsible officers of the Government to manage the administration of the Trust till the managing committee members resolve their differences or till unanimously names of the members are proposed by the members of the Trust to act in place of the Committee of Administrators. This arrangement shall be ad-hoc in nature.*
6. *All issues on merits, in a contest before the appropriate authority/Charity Commissioner or the Civil Court are kept open.*
7. *We further make it clear that this arrangement shall be interim and shall be operative only till the decision on change reports and/or till the members unanimously suggest the names of the members of their for a committee to administer the Trust.”*

2. This petition has been filed by two persons, who claim to be the founder members of the society. They have put forth prayer clauses B and C as under:-

- “B) *By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, the Respondents No. 1 to 4 may kindly be directed to make inquiry in respect of the conduct of the administrative committee to take appropriate action against the administrative committee.*
- C) *Pending hearing and final disposal of this writ petition, the Respondents No.3 & 5 may kindly be directed not to process the bills in respect of the salary and arrears of the Respondent No.8 and not take any decision on the proposal filed by the administrative committee.”*

3. Prima facie, it is apparent that as the society suffered on account of the mismanagement by the elected representatives that this Court appointed the committee of administrators. These

two petitioners, who are not members of the committee of administrators, apparently intend to interfere with the affairs of the society and jeopardise the functioning of the committee of administrators and is not allowed to work peacefully. Baseless allegations have been made against several former office bearers of the society as well as against the administrators.

4. In view of the above, this Writ Petition does not deserve to be entertained and the same is dismissed.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)