

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

WRIT PETITION NO.2543 OF 2018

Ku. Manjusha Madhav Manwatkar and others .Vs. Pushpa Liladhar Bagade and
another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.R. Fule, Advocate for the petitioners.

Ms Shital V. Dhawas, Advocate for the respondent Nos.1 and 2.

CORAM : ANIL S. KILOR, J.

DATED : 06/02/2023

1. Heard.

2. In this writ petition, the order passed under Section 41-A of Maharashtra Public Trusts Act, 1950 by the Assistant Charity Commissioner, Nagpur on 18.05.2017 on application No.19 of 2017 directing the petitioners not to make appointment in view of the advertisement published in daily 'Loksatta' dated 26.01.2017, is under challenge.

3. From the date of advertisement i.e. 26.01.2017, it is clear that the advertisement for appointment of employees in the "Renuka Shikshan Prasarak Mandal, Nagpur", was issued six years before and because of lapse of time, even if the petitioners succeed in the present writ petition, he cannot go ahead with the said advertisement for making appointments and in any case, they will have to issue fresh advertisement. Therefore, I am of the opinion

that nothing survive in this writ petition as the advertisement dated 26.01.2017 has lost its efficacy. Accordingly, the writ petition is disposed of as infructuous. Keeping all the points raised in the present writ petition open, including the jurisdiction of the Assistant Charity Commissioner in passing such orders directing the petitioners not to appoint any employees till the decision on the change report.

4. Further, it is directed the Assistant Charity Commissioner, Nagpur to expedite the change report pending before in and decide the same at the earliest.

5. Both the learned counsel for the respective parties, have undertaken to cooperate the authority to decide the change report at the earliest.

6. It is submitted that in case, the petitioners issue fresh advertisement and on filing of application under Section 41-A of the Maharashtra Public Trusts Act, 1950, by the respondents, the charity Commissioner, Nagpur shall decide the matter on merit as per law.

JUDGE