

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO. 1597 OF 2023**

(RAMRAO S/O DATTUJI UMBARKAR AND OTHERS **VERSUS** SANT GADGE BABA AMRAVATI  
UNIVERSITY, THROUGH ITS REGISTRAR, AMRAVATI AND OTHERS)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.*

*Court's or Judge's order*

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Shri S.T. Harkare, counsel for petitioners.

Shri S.P. Dharmadhikari, Senior Advocate, with Shri A.R. Deshpande, counsel for  
respondent Nos.3 and 4.

**CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.**

**DATE : MARCH 15, 2023.**

**CIVIL APPLICATION (CAW) NO.847 OF 2023 :**

1. By this application, the petitioners seek to place on record copy of the complaint made by them to the respondent nos.1 and 2 in the matter of grant of permission to undertake recruitment. The amendment is allowed. Same be carried out accordingly.
2. The civil application is disposed of.

**WRIT PETITION NO.1597 OF 2023 :**

1. Heard the learned counsel for the parties. Considering the short issue involved, the Writ Petition is taken up for final disposal.
2. The challenge raised in this Writ Petition is to the advertisement dated 03.02.2023 that has been issued by the respondent no.4-Education Society inviting applications for filling up of seven teaching posts at the College that is being run by the said Society. According to the petitioners, who claim to be the members of the Society, the President and the Secretary have no authority in law to initiate the process of recruitment that has resulted in issuance of advertisement. It is submitted by the learned counsel for the petitioners that the Change Reports filed by the petitioners are pending before the Authorities under the Maharashtra Public Trusts Act, 1950 and without such Change Reports being

adjudicated, it is not permissible for the President and the Secretary to initiate the process of recruitment. In that regard, the learned counsel for petitioners has placed reliance on the judgment of the learned Single Judge in *Sandeep Ram Meghe and others vs. Pundlikrao Balaji Gohad (dead) and others* 2013(4) *Mh.L.J.* 703 and has urged that the Change Reports appointing the respondent nos.3 and 4 as the President and the Secretary of the Society not having been accepted, they cannot take steps to fill up the posts in question.

3. The learned Senior Advocate appearing for the respondent nos.3 and 4 has referred to various documents on record including the permission granted by the Higher and Technical Education Department of the State Government on 12.01.2023 for filling up seven teaching posts. It is pointed out that necessary permissions/no-objections have been granted by the Sant Gadgebaga Amravati University, pursuant to which the aforesaid advertisement has been issued. Merely because the disputes pertaining to the Change Reports are pending with the Authorities, the same cannot be a reason to prevent the Body in charge to take necessary steps with a view to ensure that the activities of the College are not affected. Reliance is placed on the decisions in *Chembur Trombay Education Society and others vs. D.K. Marathe and others* 2002(3) *Bom.C.R.* 161, *Ganesh s/o Mahadeorao Thawre vs. Central Hindu Military Education Society, Nashik and another* 2007 (6) *Mh.L.J.* 589, *Vijay K. Mehta and another vs. Charu K. Mehta and others* 2008(5) *Mh.L.J.* 853, and it is urged that there is no bar for the duly elected Secretary to undertake such steps for smooth functioning of the Body.

4. Having heard the learned counsel for the parties and having perused the documents on record, it can be seen that the State Government and thereafter the University have granted necessary permissions/no-objections to the Society to fill up seven teaching posts and pursuant thereto the impugned advertisement has been issued. It is the policy of the University that vacant posts are required to be filled up expeditiously, failing which such posts are lost to the Educational Institution in question. Mere fact that the Change Reports are pending cannot be a reason to hold that the persons in charge cannot take steps to ensure smooth functioning of the Educational Institution. The adjudication of the Change Reports is an independent matter and the petitioners can pursue the

same in accordance with law. The decisions relied upon by the learned Senior Advocate for the respondent nos.3 and 4 support this position. We therefore do not find any illegality in issuance of the impugned advertisement, since it is preceded by valid permissions/no-objections of the State Government as well as the University.

5. For aforesaid reasons, the Writ Petition is dismissed with no order as to costs.

**(M.W. CHANDWANI, J.)**

**(A. S. CHANDURKAR, J.)**

LANJEWAR