

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

**WRIT PETITION NO. 2753 OF 2019**

**Vivekanand Shikshan Sanstha,**  
ADYAL, Tah. Paoni, Dist. Bhandara,  
registered at Registration No.E-73(१)  
as per the provisions of the  
Maharashtra Public Trust Act; through  
its President – Shri.Satyawan Namdeo  
Ajabale

} .. Petitioner

**Versus**

- 1. The State of Maharashtra, Education Department (Secondary), Mantralaya MUMBAI; through its Secretary**
  - 2. The Deputy Director of Education, Nagpur Division, NAGPUR**
  - 3. The Education Officer (Secondary), Bhandara Zilla Parishad, BHANDARA**
  - 4. Swami Vivekanand Vidyabhavan & Kanishth Mahavidyalaya, ADYAL, Tah.Paoni, Dist.Bhandara; through its Head Master –Shri.Vishnudas Shriram Jagnade**
- } .. Respondents

Mr. S. G. Jagtap Advocate and Mr.Sayajee Jagtap, Advocate for petitioner.

Ms. S. S. Jachak, A.G.P for respondent Nos.1 to 3.

**CORAM : A. S. CHANDURKAR AND**

**M. W. CHANDWANI, JJ.**

**DATED : 27/04/2023**

**ORAL JUDGMENT** (Per : A. S. Chandurkar, J.)

**Rule.** Rule is made returnable forthwith. Heard learned counsel for the parties.

(2) The challenge raised in the present writ petition is to direction No.4 issued by the Education Officer(Secondary), Zilla Parishad, Bhandara on 12/06/2017, thereby dissolving the School Committee that had been formed by the management at the respondent No.4 – School.

(3) After notice was issued in the writ petition, the Education Officer (Secondary) has filed his affidavit and in paragraph 6 it has been stated as under :-

*“6. In that view of the matter, the impugned order dated 12.06.2017 passed by the respondent no.3 dissolving the committee as there being a dispute in the trust is without any authority and the power rest with the Charity Commissioner under Section 41(a) of the Bombay Public Trusts Act, 1940.”*

(4) In view of the aforesaid stand taken by the Education Officer(Secondary), direction No.4 of the order dated 12/06/2017 is set aside. Needless to state that consequences of setting aside direction No.4 would follow. It is open for the management to constitute a fresh School Committee in accordance with law.

(5) Rule made absolute in aforesaid terms.

[ M. W. CHANDWANI, J. ]

[ A. S. CHANDURKAR, J. ]

KOLHE