



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

912 WRIT PETITION NO. 1828 OF 2024

The Khandesh Education Society, Amalner
Through It's Secretary
Arun Babulal Jain
Age : 61 years, Occu:Secretary,
R/o: Wadi Road, Amalner,
Tq. Amalner, Dist. Jalgaon.

**..Petitioner
(Orig.Applicant)**

VERSUS

- 1) Umesh Ramkrushna Salunke,
Age : 42 years, Occu: Business,
R/o Marwad, Tq.Amalner,
Dist. Jalgaon.
- 2) Hemant Bhaskar Pawar,
Age: 56 years, Occu:Business,
R/o Adadarsh Studio, Station Road,
Amalner, Tq.Amalner, Dist.Jalgaon.
- 3) Dr. Bapurao Shridhar Patil,
Age:75 years, Occu: Medical Practitioner,
R/o New Plot, Amalner, Tq.Amalner
Dist. Jalgaon.
- 4) The Deputy Charity Commissioner,
Jalgaon, Tq. And Dist. Jalgaon.

**..Respondents
(Non-Applicants)**

...
Advocate for the Petitioner : Mr. Shah Mohit S.
AGP for Respondents: Ms. K. R. Jamdhade
Advocate for Respondent No.1 : Mr. M. G. Patil
...

CORAM : ARUN R. PEDNEKER, J.

Dated : February 14, 2024

PER COURT :-

1. Heard the learned Advocate for parties. The learned Advocate for the petitioner relies upon the Constitution and Rules of the Khandesh

Education Society, Amalner, District Jalgaon. He specifically relies on Rule 17 a), b), c) and d) and Rule 28 to contend that the Managing Board has to also nominate Ex-Officio-Member. He submits that such a nomination was not done while submitting the change report. The nomination was done subsequently and that an application was filed to include the nominated members in the change report. The said application is rejected by order dated 09/01/2024 by holding that the change report is filed on 26/04/2022, and the inquiry in the change is complete. The matter is fixed for argument and this belated stage this application for amendments in change report is circulated. There is no explanation for non-including the nominated name at the time of filing of the change report and the delay is not sufficiently explained.

2. The learned Advocate appearing for the petitioner submits that addition are only formal in nature and that there is no specific elections required to be held for these particular Ex-Officio-Members. They are nominated members. The Ex-Officio-Members being nominated subsequently their names requires to be added. Per contra, the learned Advocate appearing for the respondents submits that the election itself is illegal and the same is pending adjudication before the authority.

3. The learned Advocate for the respondent submits that the argument as regards the election itself being illegal and that substantial argument is over in the change report. The learned Advocate for the

respondent submits that if the change report is accepted, then the present member can be admitted as Ex-Officio-Members being formal members, however if the change report is rejected, then the entire Managing Committee would be illegal including the Ex-officio-Members.

4. The learned Advocate for respondent submits that the main matter be fixed for final argument and by amending the change report, the names of the present applicants who are Ex-Officio-Members be included.

5. In view of the submission canvassed, the impugned order dated 09/01/2024 is quashed and set aside.

6. The petitioner is granted one week time to amend the change report on the production of this order. Thereafter, the matter be fixed for argument and the matter be proceeded at the stage of argument.

7. It is further directed that after the amendment, the entire proceeding with regard to the change report be decided within six weeks from the date of the production of the order. The authority concerned to follow the timeline given by this Court.

8. The writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.