



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CIVIL APPLICATION NO. 2500 OF 2024
IN PIL/98/2021

WITH
CIVIL APPLICATION NO. 2501 OF 2024
IN PIL/98/2021

WITH
CIVIL APPLICATION NO. 2499 OF 2024
IN PIL/98/2021

WITH
CIVIL APPLICATION NO. 10745 OF 2023
IN PIL/98/2021

WITH
CIVIL APPLICATION NO. 11066 OF 2023
IN PIL/98/2021

WITH
CIVIL APPLICATION NO. 1735 OF 2024
IN PIL/98/2021

SHREE SAI BABA SANSTHAN TRUST SHIRDI THROUGH
ITS CHIEF EXECUTIVE OFFICER

VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WITH
PUBLIC INTEREST LITIGATION NO.98 OF 2021

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Shri Anil S. Bajaj, Advocate for the Applicant/ Trust.
Shri Ajinkya Kale, Advocate i/by Talekar and Associates, for the
original Petitioners in PIL.
Shri S.S. Thombre, Shri Amol Gandhi, Shri R.R. Karpe and Shri
S.V. Dixit, Advocates for the Applicants/ Intervenors.

Shri A.B. Girase, Government Pleader, for the Respondents/
State.

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CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.

DATE :- 01st March, 2024

Per Court :-

(a) Civil Application No.2500/2024

1. Shree Saibaba Sansthan Trust, Shirdi, has put forth
prayer Clause B as under :-

“B) The Applicant may kindly be permitted to implement the Resolution No.141 dtd. 14.02.2024 for issuing E-Tender for appointing contractors for the purpose of Manpower/ Staff required for carrying the work of Swami Narayan Poli (Chapati)/ Puri making, supply of manpower/ staff required for carrying the work of Food Packets and for the purpose of Housekeeping, Cleaning and Pest Control and 160 to 191 (Skilled and Unskilled) Employees as Vadhapi for the year 2024-2025, as approved by the Ad-hoc Committee for which an amount of Rs.11,36,91,741/- is required to be spent.”

2. We have perused the Civil Application and Resolution No.141. We have also noticed that the learned Principal District Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee, has sanctioned and approved the

Resolution No.141.

3. Our attention is drawn to an earlier order dated 27.10.2023 passed in Civil Application No.8707/2023, more specifically, paragraph 10 which reads as under:-

“10. On a query raised by the Court, the learned advocate for the Sansthan submits that no further recruitment on daily wages/ contractual employees is being undertaken by Sansthan. If the tenure of a Contractor concludes, the Contractor would change, but not the workers who are working under the previous Contractor. We, therefore, direct that there shall be no further recruitment without the leave of the Court and if any Contractor concludes his contract with the Sansthan or vice versa and any other Contractor is willing to absorb the contractual employees of the Contractor, the said status be maintained.”

4. In view of the above and considering the applicability of the reproduced paragraph 10 of the order dated 27.10.2023 as above, **this Civil Application is allowed in terms of prayer Clause ‘B’, reproduced above.**

(b) Civil Application No.2501/2024

5. Shree Saibaba Sansthan Trust, Shirdi, has put forth prayer Clause ‘B’ as under:-

“B) The Applicant may kindly be permitted to

implement the Resolution dated 14.02.2024 for purchase of Pure Cow Ghee and various Grocery Items (Annexure CA-3), as approved by the Ad-hoc Committee for which amount of Rs.91,88,98,227/- is required to be spent.”

6. We have perused Resolution No.115 dated 14.02.2024 and our earlier order dated 28.04.2023 passed in Civil Application No.5847/2023. The learned Principal District Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee, has sanctioned and approved the said resolution.

7. In view of the above, **the Civil Application is allowed in terms of prayer Clause ‘B’**, reproduced above.

(c) Civil Application No.2499/2024

8. Shree Saibaba Sansthan Trust, Shirdi, has put forth prayer Clause ‘B’ as under:-

“B) The Applicant may kindly be permitted to implement the Circulatory Resolution dtd. 20.12.2023 & Resolution No.118 dtd. 14.02.2024 E-Tenders for the purpose of appointing the contractor for Dry Cleaning of the Bed-Sheets, Pillow Covers, Towels, Solapuri Blanket, Mattress Covers etc. for the period of 2024-25 for which an amount of Rs.94,99,776/- is required to be spent.”

9. We have perused the Circulatory Resolution dated

20.12.2023 and Resolution No.118 dated 14.02.2024. The learned Principal District Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee, has sanctioned and approved the said resolution.

10. In view of the above, **the Civil Application is allowed in terms of prayer Clause 'B'**, reproduced above.

(d) Civil Application No.10745/2023

11. Shree Saibaba Sansthan Trust, Shirdi, has put forth prayer Clause 'B' as under:-

“B) The Applicant may kindly be permitted to implement Resolution No.423 passed by the Ld. Ad-hoc Committee in its meeting dated 30.05.2023 pursuant to which the ld. Ad-hoc Committee has permitted the applicant to reimburse the educational fees to the contractual employees of the Sansthan and the contractual employees appointed through contractor, of their respective wards.”

12. We have perused Resolution No.423 dated 30.05.2023. The learned Principal District Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee, has sanctioned and approved the said resolution.

13. The learned Advocate for the Trust places on record

the Government Order dated 19.07.2023 approving the refund of fees to the natural guardians of the students including those wards of the contractual employees. The same is marked as 'X' for identification.

14. In view of the above, **the Civil Application is allowed in terms of prayer Clause 'B'**, reproduced above.

(e) Civil Application No.11066/2023

15. Shree Saibaba Sansthan Trust, Shirdi, has put forth prayer Clause 'B' as under:-

“B) This Hon’ble Court may kindly grant permission to implement Resolution No.213 passed by the Ad-hoc Committee in its meeting dated 22.03.2023 pursuant to which the applicant is permitted to release 20% consideration amount for purchasing land Nos.288/A, 288/B, 288/C and land Gut No.294 of village Rui Shivar, to concerned land owners.”

16. We have heard the learned Advocates for the respective sides. It is an admitted position that the permission of this Court was not taken when the transaction of purchasing land Gat Nos.288/A, 288/B, 288/C and 294 in village Rui Shivar, was entered into. We are informed that the contempt proceedings are

also pending before the competent Court. Granting any relief at this stage, would have ramification on the pending contempt proceedings, as well as, it would amount to granting ex-post facto sanction. We are informed that the transaction occurred on 14.05.2020 when the entire nation was under the lock-down.

17. As such, we are not granting any order at this stage to release 20% of the consideration amount. The total consideration amount is Rs.14,06,62,500/-, out of which, 80% amount i.e. Rs.11,15,30,000/- has already been paid pursuant to the registered sale deed dated 14.05.2020 and 20% amount i.e. Rs.2,81,32,506/- is yet to be released.

18. The learned Advocate for the Trust submits that he would gather further instructions and address this Court.

19. **List this Civil Application in the urgent orders category on 15.03.2024.**

(f) Civil Application No.1735/2024

20. Shree Saibaba Sansthan Trust, Shirdi, has put forth prayer Clause 'B' as under:-

“B) This Hon’ble Court may kindly grant permission to implement Resolution No.63 passed by the Ad-hoc Committee in its meeting

dated 11.01.2024 pursuant to which the Ld. Ad-hoc Committee has given its approval for filling up the posts of Medical Officers at Shree Saibaba Hospital and Shree Sainath Rugnalaya on contractual basis for 11 months for which an estimated cost of Rs.8,18,74,800/- is likely to incur.”

21. The learned Advocate for the Trust submits that on some queries of the Government with regard to the approval of the Recruitment Rules, the Trust has given further inputs yesterday. It may take some time for the Government to approve the Recruitment Rules. Thereafter, taking into account the reservation roster, an advertisement would be published and the selection to the post of Medical Officers in Shree Saibaba Hospital and Shree Sainath Rugnalaya, would be made. This is also likely to take a few months. Hence, it is prayed that prayer clause B may be considered.

22. We have perused Resolution No.63. The learned Principal District Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee, has sanctioned and approved the said resolution.

23. In view of the above, **this Civil Application is allowed in terms of prayer clause B.** We add that an

advertisement calling for applications for recruitment of the Medical Officers on contractual basis, should contain the clause that the appointment would be subject to the approval of the Recruitment Rules and the advertisement for recruiting regular employees. In short, the candidates, who may be appointed on contractual basis as Medical Officers, should be made to clearly understand that their engagement would be for a maximum tenure of 11 months or till the appointment of regular candidates, whichever is earlier.

(g) PIL No.98/2021

24. The Trust would apprise the Court as regards the specific steps initiated in terms of the directions set out, more particularly in paragraph 4 onwards in our order dated 09.11.2023. A short affidavit setting out the steps taken by the Trust should be placed before us on the next date.

25. **Stand over to 15.03.2024 in the urgent orders category.**

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(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)