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wp 2649.24.odt

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

WRIT PETITION NO. 2649 OF 2024

1. The Principal, Jalgaon District
Maratha Vidya Prasarak Cooperative
Samaj's Arts, Science and Commerce
College, Varangaon, Tq. Bhusawal
Dist. Jalgaon
Vijay Shivajirao Pawar
Age 58 years, Occ. Service
Serving as Incharge Principal
r/o. Jalgaon, Tq. and Dist. Jalgaon.

2. 1. The Principal, Jalgaon District
Maratha Vidya Prasarak Cooperative
Samaj's Arts, Science and Commerce
College, Yawal
Tq. Bhusawal, Dist. Jalgaon
Smt. Sandhya Mahendra Sonawane
Age 58 years, Occ. Service
Serving as Incharge Principal
Tq. Jalgaon, Tq. and Dist. Jalgaon.

... Petitioners.

VERSUS

1. The State of Mahashtra
through its Principal Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai.
2. The Director of Higher and Technical
Education, Mahashtra State, Pune.
3. The Joint Director of Higher and
Technical Education, Jalgaon.
4. The District Deputy Registrar,
Cooperative Societies, Jalgaon.

5. The Jalgaon Zilla Maratha Vidya
Prasarak Sahakari Samaj Ltd.
Opposite District Court, Jalgaon,
through its Honorary Secretary
Claiming (under Maharashtra Public Trust Act, 1950)
Nilesh S/o. Ranjit Bhoite,
Age 39 years, Occ. Business,
R/o. Ahilya Niwas, Bhoite Nagar,
Jalgaon, Tq. And Dist. Jalgaon.
6. Vijay Bhaskarrao Patil
Age 55 years, Occ. Business,
Claiming to be the Chairman,
of The Jalgaon Zilla Maratha Vidya
Prasarak Sahakari Samaj Ltd.,
(under Maharashtra Cooperative Societies Act, 1960)
r/o. 71, Dixitwadi, Jalgaon,
Tq. And Dist. Jalgaon..
7. The Central Bank of India,
Varangaon Branch, Varangaon,
Tq. Yawal, Dist. Jalgaon.
8. The IDBI Bank,
Branch at Yawal,
Tq. Yawal Dist. Jalgaon,
through its Branch Manager.

.. Respondents.

Mr. Rahil Kazi, Advocate h/f. Mr. P.R. Katneshwarkar, Advocate for petitioners.

Mr. P.S. Patil, AGP for respondent Nos. 1 to 4,

Mr. A.D. Shinde, Advocate for Respondent No.5,

Mr. A.B. Kale and N.E. Deshmukh Adv. For respondent No.6.

**CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.**

DATE : 12th March, 2024.

ORDER:-

1. The petitioners have approached this Court with the following prayers :-

“(B) Issue a writ of Mandamus or any other appropriate writ, order or directions in the nature of writ of mandamus thereby directing the respondent No.7 i.e. Central Bank of India, Varangaon Branch, Dist. Jalgaon to permit the petitioner No.1 to operate the account No.2170182489 under the signature of Incharge Principal of petitioner No.1 College.

(C) Issue a writ of Mandamus or any other appropriate writ, order or directions in the nature of writ of mandamus thereby directing the respondent No.8 i.e. IDBI Bank, Yawal Branch, Dist. Jalgaon to permit the petitioner No.2 to operate the account Nos. 0479104000042200, 047914000042185 and 0479104000042194 under the signature of Incharge Principal of petitioner No.2 College.”

2. The petitioners contend that the Jalgaon Zilla Maratha Vidya Prasarak Samaj Ltd. runs the colleges at Varangaon and Yawal, Taluka Bhusawal, District Jalgaon. The petitioners are principals of those colleges. There are dispute amongst the groups of the management and the proceedings are subjudice. Consequently, bank accounts of the petitioner colleges cannot be operated. The overall development of the colleges is at stand-still. The employees and the students are sufferers . At present, the Colleges are undergoing accreditation through National Assessment and Accreditation Concil (NAAC) and colleges are required to be upgraded and for that purpose funds are required to be spent on infrastructure. The Bank authorities are not permitting the petitioners to operate the Bank Accounts giving the reason that Writ Petition No. 2677

of 2018 is pending before this Court and till disposal of the said writ petition, the accounts cannot be operated.

3. According to the petitioners , the bank accounts could not be operated on account of pending disputes between the management groups in W.P. No. 2677 of 2018, wherein, the interim order directing the parties to maintain status-quo has been passed. The details of accounts are as under :-

Accounts of petitioner No.1 college at Central Bank of India, Branch at Varangaon.

Sr. No.	Name of Bank	Type of Account	Account Number	Amount
1.	Central Bank of India Varangaon Branch	NON SALARY SR	2170182489	14,52,178
2.	Central Bank of India Varangaon Branch	BUILDING FUND	2170187283	1,92,602
				16,44,780

Accounts of Petitioner No.2 College at IDBI Bank, Yawal

Sr. No.	Name of Bank	Type of Account	Account Number	Amount
1.	IDBI Bank	NON SALARY SR.	0479104000042185	11,93,709/-
2.	IDBI Bank	Non Salary JR	0479104000042200	3,85,055/-
3.	IDBI Bank	Building Fund	0479104000042194	6,92,910/-
4.	IDBI Bank	MCVC	0479104000042219	1,90,711
				24,62,385

4. According to the petitioners, before inspection of the NAAC Committee, the upgradation of the infrastructure is necessary and expenditure needs to be incurred for that purpose. The list of proposed

expenditure is placed at “Exhibit K” alongwith the petition.

5. We have heard the learned advocates appearing for the respective parties, Apparently, there is dispute between the management groups which is subject matter of W.P. No. 2677 of 2018. This Court passed order directing parties to maintain status-quo. The petitioners before this Court are the two colleges run by the respondent No.5 Trust. The aforesaid bank accounts were previously operated with the signature of the then Principal and Secretary of the Trust. However, because of the pending dispute, the accounts are stand-still. We find that for the purpose of maintaining the requisite standard of colleges, some steps are required to be taken towards upgradation/maintenance of infrastructure, which counts for NAAC accreditation. The principals of both the colleges are before this court. It is not in dispute that appointments of both the principals have been duly approved by the University. In this background, we deem it appropriate to issue directions so that the bank accounts could be operated and funds can be utilized for the aforesaid purpose. Hence, we proceed to pass the following order :

ORDER

[a] The writ petition is partly allowed;

[b] The respondent Nos. 7 and 8 banks shall permit the principals of the colleges and Junior Administrative Officer (Director of Technical Education at Jalgaon) to jointly operate the bank accounts to meet out the expenditure that has been approved by the respondent No.3 Joint Director of Higher and Technical Education.

[c] This arrangement shall continue for a period of six months from the date of this order.

[d] The respondent No.3 shall approve the expenses which are necessary to meet out the requirements for NAAC accreditation. No expenditure be permitted for any other purpose.

[e] The petitioners shall meticulously maintain accounts of the expenditure made with date of approval by Respondent No.3.

[f] Writ petition is disposed of with aforesaid directions.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-