



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

**CONT. PETITION NO. 662 OF 2023
IN WP/11274/2017**

**SMT. SAROJ W/O. GOPALRAO SONDGE
VERSUS
VIVEK RAMRAO MIRGANE**

...

Advocate for the Petitioner : Mr. Mayur Subhedar h/f Mr. Gangwal
Madhubala Bharat

Advocate for Respondent No.1 : Mr. V.D. Sapkal Senior Advocate i/by
Mr. Sapkal Sandip R

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 28 FEBRUARY 2024

PER COURT :

. Heard both the sides.

2. The petitioner who belongs to a rival faction of the trustees is alleging about the respondents having committed contempt of Court by resorting to a recruitment process by way of an advertisement of the year 2023 of 'Shri. Bankatswami Mahavidyalaya, Beed', which according to him is inconsistent with the directions of the Court contained in paragraph no.7 of the final order passed in Writ Petition No.10547/2019 and connected writ petition on 26.08.2019.

3. The backdrop of the order dated 26.08.2019 would be important to be noted.

4. In the earlier round of litigation in Writ Petition No.4745/2010 by the order dated 25.03.2011, interim relief was granted in the following form :

“1. Pending the hearing and final disposal of LP No.188/2009, respondent no.3 – Principal is allowed to transfer the salaries of the teaching and the non-teaching staff of the institute – Bankat Swami Shikshan Sanstha, Khadki Ghat, Beed, every month from the account of the institution to the bank accounts of members of the staff under the signature. The bank will allow respondent no.3-Principal alone to sign the documents, that may be necessary for transferring the amount as afore-mentioned in the accounts of the members of the staff.”

“4. If any appointments of the teaching and/or non-teaching staff are necessary, respondent no.3 shall make a request in writing to the University for appointing independent committee for selection of staff. If the University-Dr. Babasaheb Ambedkar Marathwada University/ receives any such request from respondent no.3-Principal in writing the Vice Chancellor shall appoint a committee of three independent members having regard to the subjects for which appointments are to be made. The University shall complete the selection process after following the due procedure as contemplated by Maharashtra Universities Act and the Regulations/Statute framed thereunder. The expenditure that will be required to be incurred for conducting the process of selection will be borne by the institution and the University in that regard shall issue direction to the Principal. If the Principal receives any requisition from the University regarding the expenditure, he will disburse the said amount within a period of two weeks from the date of receipt of such requisition.”

5. Admittedly, the LPA was disposed of on 02.08.2014, *inter alia* directing the interim relief to continue till the proceeding under Section 41(D) of the Maharashtra Public Trust Act, was decided. It was subsequently decided and the application filed by the petitioner under

Section 41(D) was rejected. It is thereafter that, in view of the exigencies, Writ Petition No.10547/2019 and the connected writ petition were filed, wherein the order of which disobedience is being claimed, was passed.

6. In fact, the interim relief that was granted stood vacated by virtue of decision in the matter under Section 41(D). Therefore *ex-facie* there was no order restraining the respondents from undertaking any recruitment process thereafter.

7. The observations in paragraph no.7 of the order of which implementation is being claimed, cannot be read in isolation. The previous and subsequent paragraph would indicate that it is only with a view that the students should not suffer that the arrangement was made *inter alia* observing that in fact the petitioner ought to have preferred a writ petition against the order of the Joint Charity Commissioner in the petitioner's application under Section 41(D).

8. Needless to state that the process of recruitment in the colleges will have to be strictly in accordance with the Maharashtra Public Universities Act and the regulations of the Universities. The observations in paragraph no.7 cannot be read as giving any direction as such and would be redundant.

9. In our considered view, there is no effective order of which breach

can be claimed on the basis of the facts being alleged.

10. The petition is disposed.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb