



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

928 WRIT PETITION NO. 15030 OF 2023

Vaibhau Madhukar Ransing.

...Petitioner

VERSUS

1. Shri Vishwanath Deosthan, Dhorje,
2. Pandurang anna Vyavhare,
3. Pandurang Ramdas Dhorajkar,
4. Navnath Popat Kamble,
5. Jalindar Hiru Vyavhare,
6. Kisan Narayan Wani,
7. Sonyabapu Bansi Wani,
8. The Joint Charity Commissioner Pune,
9. The Assistant Charity Commissioner,
Ahmednagar.

...Respondents

...
Advocate for the Petitioner : Ms. Mhase Madhaveshwari S.
AGP for Respondents: Mrs. P. R. Bharaswadkar
...

CORAM : R. M. JOSHI, J.

Dated : June 19, 2024

PER COURT :-

1. By consent of both sides, heard finally at admission stage.
2. This petition takes exception to the order dated 09/03/2023, passed by the Assistant Charity Commissioner, Ahmednagar, rejecting the application filed by the petitioner for intervention being interested person as contemplated by Section 2 (10) (a) of the Maharashtra Public Trusts Act.
3. Learned Counsel for petitioner has sought to place reliance on

the documents which indicate that the petitioner is the member of Shri Vishwanath Deosthan Trust and resolution has been passed admitting him as a member on 05/01/2021. By referring to the caste certificate issued by the competent authority dated 07/12/2013, it is submitted that the said certificate indicates that the petitioner belongs to 'Hindu' Religion. It is her further submissions that the learned Assistant Charity Commissioner has committed error in rejecting his application by placing reliance upon the school leaving certificate which indicates the caste of petitioner as 'Christian'. Thus, according to her, the impugned order is not sustainable.

4. This Court has made a specific query to the learned Counsel for petitioner, as to whether the document now sought to be placed on record in his petition were brought to the notice of learned Assistant Charity Commissioner while passing impugned order. On instructions, learned Counsel for petitioner makes statement that these documents were not placed before the said authority. In such case, this Court is not inclined to allow the application filed by the petitioner before the Assistant Charity Commissioner, but finds it

appropriate to set aside the impugned order calling upon the Assistant Charity Commissioner to decide the application fresh after considering the documents placed on record.

5. In view of the above discussion, the petition stands allowed in above terms.

(R. M. JOSHI, J.)

vj gawade/-.