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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8701 OF 2024

Chetan Ramesh Patil

.. Petitioner

Versus

Joint Charity Commissioner & Ors.

.. Respondents

**Adv. A. V. Anturkar, Sr. Counsel a/w. Mr. Yuvraj Narvankar for the
Petitioner.**

**Adv. S. D. Vyas, Addl. G. P. a/w. Ms. M. S. Bane, AGP for State
Respondent Nos.1 & 2.**

**Adv. Ajit Tamhane a/w. Rohan Tamhane i/b. Tamhane & Co. for
Respondent No.5.**

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JUNE 21, 2024

P. C.

1. We have heard Mr. Anturkar, the learned Senior Counsel appearing on behalf of the Petitioner and the learned Advocate on behalf of the Trust (Respondent No.5). The dispute in this Petition is regarding to filling up two vacancies of trustees of the 5th Respondent-Trust.

2. By an order dated 24th August 2023 a Division Bench of this Court, of which one of us was party (Firdosh P. Pooniwalla J.), passed a detailed Order as to how the selection is to be conducted. In paragraph 3 of

the operative part of the order, this Court directed that the selection shall be made by the interview panel (existing of the present trustees) in accordance with the marks allotted to each of the candidates, starting from the highest marks allotted to candidates and which shall also ensure that there are no criminal cases pending against the candidates proposed to be selected and they have no individual political aspirations and ambitions. This order of this Court was challenged before the Hon'ble Supreme Court. The challenge to the said order is currently pending.

3. However, there is an interim Order passed by the Hon'ble Supreme Court on 15th September 2023 which states that in the meanwhile, it is made clear that if the date for selection of the trustees is scheduled, the same shall be done by way of secret ballot to assess the number of votes to be received by the Board of Trustees. On going through the order of this Court dated 24th August 2023 and the order of the Hon'ble Supreme Court dated 15th September 2023, we will have to reconcile the two orders to see how the selection process is carried out.

4. We are also informed that the 5th Respondent-Trust also sought a clarification of the order dated 15th September 2023 but the Supreme Court passed an order stating that the clarification sought for was not warranted at

this juncture. We have not seen the Interim Application seeking the aforesaid clarification. We would also like to peruse the Interim Application filed before the Hon'ble Supreme Court seeking a clarification of the order dated 15th September 2023. Considering that currently we are at 5.pm. on Friday, we think that it is in the fitness of things if the selection process of two trustees be currently postponed until we resolve the issue as to what is the exact process that needs to be followed by the Respondent No.5-Trust for the purpose of selection of two trustees to fill up the vacancies.

5. We therefore direct that the selection process to be held tomorrow, i.e., 22nd June 2024 be postponed. Once we resolve the issue as to how the selection process is to go forward, we shall fix a date for the selection process.

6. Now list the above matter on Monday, i.e., 24th June 2024.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]