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913- WP-2748-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 2748 OF 2025

Ramrao Punjaji Sapkal And Another
VERSUS
Pandurang Parbhat Sapkal And Others

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Mr. P. K. Nikam And M.D. Jadhav, Advocate for the Petitioners.

Mr. N. B. Khandare, Senior Advocate i/by Mr. D. J. Choudhari, Advocate
for the Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 25th FEBRUARY 2025

PC :-

1. Heard the learned Advocates for the parties.
2. At the outset, the learned Advocate for the petitioners seeks leave to correct the prayer clause (B).
3. Leave granted. Amendment be carried out forthwith.
4. With the consent of the parties, the petition is taken up for final disposal at the stage of admission.
5. The petitioners, by way of this writ petition, has prayed for quashing the election program and the process of election to the Trust

namely, Dhareshwar Shikshan Sanstha, Aurangabad. The petitioner No.1 is the President of the Trust whereas the Respondent No.2 is a Member of the Trust. The Respondents are also Secretary, Officer Bearer and Members, respectively, of the Trust. It is the case of the petitioners that Respondent Nos.3 to 6 though are never taken as members in the Trust, their names are appearing as members and consequentially, as voters in the election, which is scheduled to be held on 1st March 2025. The date of declaration of final list of candidates was of 24th February 2025. The petition is moved at this stage.

6. It is the case of the petitioners that there were only seven members of the Trust. However, Respondent Nos.3 to 6 have been inducted in 2010 without knowledge to the petitioners and without following due process. On such and other grounds, they approached the Returning Officer. It is the allegation that the Election Officer did not consider their objections and has continued with the election program.

7. Mr.Khandare, the learned Senior Advocate appearing for the Respondents however, vehemently opposed the petition and submits that the petition itself is not maintainable. The election program is already

set in motion. The impugned order is passed after hearing all the parties which is impugned in this petition. The petitioner No.1 has also filed the proceeding before the Returning Officer. He submits that first change report was filed for the year 2010-15. Thereafter for a period up to 2015-2020. The last change report was filed for the year 2020-2025. This is the fourth term of the Trust and at this stage, for the first time, the objections is taken. Though the revisions are filed against three earlier change reports, those are filed only in the year 2023. The petitioner himself is the President and there is no question of his not knowing the membership of the respondent Nos.3 to 6.

8. This Court has gone through the order passed by Returning Officer. The Returning Officer has rejected the application mainly on the ground that these petitioners have not raised any objections to the earlier change report in time. The petitioners have signed earlier change reports and have also given no objections. Though it is alleged by the petitioners that such documents are forged. This Court cannot go into that point at this stage. The Returning Officer has held that it is not for the Returning Officer to go into the question of validity of the members of the Trust

and dismissed the objection.

9. After hearing the parties and after going through the impugned order, this Court does not find any case made out to call interference while exercising the jurisdiction under Article 227 of the Constitution of India.

10. Needless to say that, it is open for the petitioners to challenge/object the change reports or even to file change report before the appropriate authority. So far as question of membership is concerned, it is open for the petitioners to challenge membership before the appropriate authorities.

11. With this, writ petition stands dismissed. No order as to costs.

[KISHORE C. SANT, J.]