



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

WRIT PETITION NO. 7851 OF 2024

**KHANDESH EDUCATION SOCIETY AMALNER THROUGH
ITS SECRETARY**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Shri V.D. Sapkal, Senior Advocate i/by Shri Sapkal Sandip R.,
Advocate for the Petitioner.

Shri S.R. Wakale, AGP for Respondent Nos.1 and 2/State.

Shri Anil M. Gaikwad, Advocate for Respondent No.3.

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CORAM : MANGESH S. PATIL

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PRAFULLA S. KHUBALKAR, JJ.

DATE : 30th January, 2025

Per Court :-

Heard both the sides.

2. The petitioner Management is awaiting approval of roster by respondent No.3 University. It is challenging the communications received from the University dated 29.05.2024 and 28.06.2024 referring to ad-interim order passed in Writ Petition No.3963/2024 dated 17.04.2024. In that petition, the petitioner has been taking objection to *suo moto* enquiry initiated by the Assistant Charity Commissioner in purported exercise of

powers under Section 41-A of the Maharashtra Public Trusts Act.

3. Since it is merely a matter of approval of roster by the University, there is no order, which according to us, would prevent the University in considering the proposal and taking appropriate decision in the matter of roster.

4. It appears from the stand being taken in the affidavit in reply that the University is concerned with the dispute in the management when nobody has actually raised objection to the proposal for approval of roster.

5. Needless to state that, irrespective of the fact whether there is dispute in management or otherwise, the University being a stranger could take appropriate decision in accordance with law even in the matter of approval of roster. The dispute, if any, can be raised by the faction which is in opposition at an appropriate stage, if and when pursuant to the approval of roster some recruitment process is undertaken. It is only in that eventuality, even the petitioner would be bound by the order of the Deputy Charity Commissioner mandating it to solicit orders before taking any policy decision. The University cannot resort to this as a ground for not to examine the roster.

6. The Writ Petition is allowed. The impugned communications are quashed and set aside. Respondent No.3 University shall consider the proposal and take appropriate decision in accordance with law regarding approval of roster within four weeks.

kps (PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)