



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9892 OF 2024
IN WP/7955/2024

Sundarlal Ramnivas Darak

VERSUS

Shardopasak Shikshan Sanstha
Through Its President And Others

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Mr. S. B. Gastgar, Advocate for Applicant

Mr. N. P. Patil Jamalpurkar, Advocate for Respondents.

Mrs. M. N. Ghanekar, AGP for Respondent/State

CORAM : R. M. JOSHI, J

DATE : APRIL 28, 2025

PER COURT :

1. This application is filed by the Applicant for intervention in Writ Petition No. 7955/2024.

2. Applicant had filed application before University and College Tribunal for impleadment as a party in Appeal No. SRTMU-6/2023. Application for intervention came to be rejected by order dated 24.01.2024. Applicant has not challenged this order. However, present application is moved for intervention in the Writ Petition wherein there is a challenge to the order passed by the University and College Tribunal dated 09.07.2024.

3. Learned Counsel for Applicant submits that though Applicants have not challenged the order passed by the Tribunal, in view of the change in the circumstances such as, rejection of the change reports filed in respect of Trust, it necessitates intervention. It is submitted that there are allegations against the Petitioners as well as Respondents of commission of misappropriation for the period from year 2010 to 2017. In this regard, reference is made to the representations made to the University Grants Commission. It is his submission that if the compromise which is sought to be placed on record is accepted, no action could be initiated against Respondent No. 1 and others.

4. This contention is opposed by learned Counsel for Petitioner on the ground that once there is no challenge raised to the order passed by the Tribunal rejecting application for intervention, now it is not open for the intervenor to seek joining himself as party to this Petition. It is further argued in respect of alleged misappropriation that none of the Authorities have initiated any action against any one.

As such, there is no question of intervention application being allowed.

5. There is no dispute about the fact that the intervenor had filed application before the Tribunal for causing intervention in the Appeal. This application came to be rejected on merit by holding that the intervenors have not been able to show that they are necessary or proper parties to Appeal. The present Petition is arising out of the final order passed by the Tribunal in the said Appeal. For want of challenge to the said order, now it is not open for the intervenors to seek impleadment in this Petition. Intervenors have never take exception to the findings recorded by the Tribunal that they are not necessary or proper parties. In absence thereof, it is not open for the intervenors to seek impleadment in this Petition.

6. Though it is sought to be argued on various other aspects that compliance made to various orders so also orders passed under the Maharashtra Public Trusts Act, this Court while entertaining Petitions challenging order passed by Tribunal cannot dwell upon the said issue.

7. In view of above, this Court finds no substance in the application. In the result, Application stands dismissed.

(R. M. JOSHI, J.)