

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5925 OF 2024

1. Madha Taluka Shikshan Prasarak Mandal,
Kurduwai, Through – Chairman
Shri. Pandurang Ganapat Patil,
Age – 82 years, Occ – Agriculture,
R/o- Kurduwadi, Tal. - Madha,
Dist. - Solapur.

2. Audumber Pandurang Patil,
Secretary of Madha Taluka Shikshan
Prasarak Mandal, Kurduwadi,
Age – 51 years, Occu. - Service,
R/o- Kurduwadi, Tal.- Madha,
Dist.- Solapur.

.....Petitioners

Vs.

1. Ld. Dy. Charity Commissioner,
Solapur Region, Solapur,
Office Address – Nath Pride Building,
Civil Chowk, Utter Sadar Bazar,
Solapur – 413 007.

2. K. M. Bhise Arts Commerce and
Vinayakrao Patil Science College,
Kurduwadi, Through In-charge
Principle, Address- Vidyanagar,
Bhosare, Taluka-Madha,
District-Solapur.

3. Shamsundar Kashinath Bhise,
Age – 44 years, Occ.- Agriculture,
R/o.- Kurduwadi, Tal.- Madha,
Dist.- Solapur..

.....Respondents

Mr. Umesh H. Pawar with Mr. Megh Gandhi, for the Petitioners.

Mr. S. D. Rayrikar, AGP, for the Respondent No.1-State.

Mr. Santosh S. Jadhavar, for the Respondent No.3.

CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 21st AUGUST 2025

PRONOUNCED ON : 3rd SEPTEMBER 2025

ORAL JUDGMENT :-

1. The present petition takes exception to orders dated 3rd April 2024 and 16th May 2024 passed by the Deputy Charity Commissioner ('DCC'), Solapur below Exhibit 1 in Miscellaneous Application No.540 of 2024 by which the learned DCC has permitted Shri Pandurang Ganpat Patil, Chairman, Shri. Shamsundar Kashinath Bhise, Secretary and, Principal of K. N. Bhise Arts, Commerce and Vinayakrao Patil Science College, Kurduwadi, Vidyanagar Bhosare, Taluka Madha, District Solapur to operate day to day transaction of institutions' bank account.

2. Madha Taluka Shikshan Prasarak Mandal, Kurduwadi, Taluka Madha, District Solapur is a Trust registered in year 1969 having registration No.F-187. The Trust runs primary, secondary, higher secondary schools, junior and senior colleges. Respondent No.2 is in-charge principal of the College. The past Change Report No.700 of 2014 of Managing Committee of Trust was accepted by Respondent No.1-DCC, Solapur on 26th April 2016 for the period 2014 to 2019. Shri. Pandurang Ganpat Patil was Chairman and Shri. Shamsundar

Kashinath Bhise was Secretary of Managing Committee as per the Change Report No.700 of 2014 on expiry of term of last election. A Change Report No.1915 of 2022 has been filed by Mr. Audumber Pandurang Patil, i.e., Petitioner No.2, whereas Change Report No.1309 of 2022 is filed by Mr. Shamsunder Kashinath Bhise i.e., Respondent No.3. Till this date, both change reports are pending for consideration. Even any order provisionally accepting change report is not passed in either of the change report. It appears that the Change Report No.1309 of 2022 submitted by Respondent No.3 was previously accepted, however later on, it has been set aside and matter is relegated back to Charity Commissioner.

3. In aforesaid background, Respondent No.2 filed Miscellaneous Application No.540 of 2024 before DCC, Solapur seeking clarification from him, as regards to the authorized persons to operate bank account and administration of Trust and educational institution. Pertinently, similar applications were filed by Branch Officer of Bank of Maharashtra, Kurduwadi, State Bank of India, Kurduwadi, Union Bank of India, Kurduwadi seeking clarification about who is empowered to operate the bank account of Respondent No.2-College. In those applications, learned DCC, Solapur directed that as per

Clause 11(n) of the Constitution of Trust, bank account can be operated under signature of Chairman/Vice Chairman and Secretary of the Trust. However, in Miscellaneous Application No.540 of 2024 decided on 3rd April 2024, learned DCC, Solapur directed that Chairman and Secretary as per old change report i.e., Shri. Pandurang Ganpat Patil and Shamsundar Kashinath Bhise along with Principal of K. N. Bhise Arts, Commerce and Vinayakrao Patil Science College should operate day to day transactions of bank.

4. Since there was ambiguity in operative part of the order dated 3rd April 2024 passed by DCC, Solapur, this Court vide order dated 8th May 2024, directed DCC, Solapur to specify names of the persons with their designations, who are being allowed to operate day to day transaction of the bank. In pursuance to aforesaid directions, DCC, Solapur passed further order dated 16th May 2024 in Miscellaneous Application No.540 of 2024 and specified that Shri. Pandurang Ganpat Patil, Chairman, Shri. Shamsundar Kashinath Bhise, Secretary and Principal of college should operate day to day transactions of the bank. Aggrieved Petitioners, who are reporting trustees, as per Change Report No.1915 of 2022, filed present Writ Petition assailing aforesaid orders.

5. Mr. Umesh Pawar, learned Advocate appearing for Petitioners vehemently submits that Joint Charity Commissioner ('JCC'), Pune has stayed the Change Report No.1309 of 2022. Similarly, vide order dated 3rd February 2023 passed in Civil Miscellaneous Application No.97 of 2022, learned Civil Judge, Junior Division, Madha injuncted Respondent No.3, i.e., so called Secretary Shamsundar Kashinath Bhise, who has no authority to interfere with day to day administration of the Trust and educational institutions run by the Trust. He would submit that Change Report No.1915 of 2022 is in continuation of trustees, who were in-charge of the business of Trust for a period of 2014 to 2019 as per order passed in Change Report No.700 of 2014. According to him, the Change Report No.1915 of 2022 was neither stayed nor rejected by any authority and therefore, reporting trustees as per Change Report No.1915 of 2022, are empowered to operate bank account of said Trust. According to Petitioners, they are only entitled to operate bank account, being in-charge of business of Trust and reporting trustees under Change Report No.1915 of 2022. Mr. Pawar vehemently submits that Respondent No.3-Shamsundar Kashinath Bhise is neither member of the Governing Body nor is he reporting trustee, under Change Report

No.1915 of 2022. Declaring him to be signing authority to operate bank account of Trust or education institution is contrary to law. Mr. Pawar would further invite attention of this Court to Section 97 of the Maharashtra Public Universities Act, 2017 and relevant provisions under Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and submits that President of Trust/Chairman of School Committee or the Chairman and Secretary of College Development Committee ('CDC') are prescribed authority to operate bank account of schools and senior colleges respectively. Mr. Pawar submits that order impugned is contrary to statutory mandate governing administration of educational institutions. Mr. Pawar further submits that impugned order dated 16th May 2024 is passed behind back of Petitioners, thus, it violates a principle of natural justice.

6. Per contra, Mr. Santosh Jadhavar, learned Advocate appearing for Respondent No.3 would submit that as per last undisputed Change Report No.700 of 2014, Respondent No.3 was Secretary of Trust for period from 2014 to 2019. Thereafter, election of the Managing Committee could not be held due to pandemic period. Thereafter, Change Report No.1309 of 2022 was reported, wherein

Mr. Pandurang Ganpat Patil is elected as Chairman and Respondent No.3 is elected as Secretary of the Trust. Mr. Jadhavar would invite attention of this Court towards correspondence made by Trust, wherein name of Respondent No.3 is appearing as Secretary whereas the name of Petitioner No.1-Pandurang Ganpat Patil is appearing as Chairman till 2023-2024, thus Mr. Jadhavar would urge that there is no reason to discard/disbelieve Change Report No.1309 of 2022. According to Mr. Jadhavar, due to recent dispute between Mr. Pandurang Ganpat Patil, Chairman and Respondent No.3, a false record depicting election of 2019 is prepared, put in service by way of Change Report No.1915 of 2022 along with application seeking condonation of delay of more than three years. According to Mr. Jadhavar, survey of attending circumstances depicts that Change Report No.1915 of 2022 is manufactured, hence liable to be discarded. Mr. Jadhavar would further submit that since Respondent No.3 was Secretary from 2014 onwards and continued in charge, till this date, he continued to administer Trust or operate affairs of bank account or day to day business of Trust which need not be disturbed.

7. Having considered submissions advanced and on perusal of record tendered into service before this Court, it can be observed that

last change report for 2014 to 2019 which has been accepted by competent authority, demonstrates that Mr. Pandurang Ganpat Patil, Chairman and Shamsundar Kashinath Bhise, Secretary were in-charge of the business of the Trust. Thereafter, two change reports regarding election are reported, wherein Pandurang Ganpat Patil is shown as Chairman, whereas Mr. Audumber Pandurang Patil and Shamsundar Kashinath Bhise are claiming to be Secretary respectively in two change reports.

8. The controversy in present writ petition is limited, which has inception in Miscellaneous Application No.540 of 2024 submitted by in-charge Principal of the college run by the Trust. Due to dispute amongst the trustees, operation of the bank account and day to day business of Respondent No.2 College has been halted. Need is felt to find way out to deal with anomaly, hence Miscellaneous Application No.540 of 2024 has been moved before Charity Commissioner for clarification as to authorized person. Learned DCC initially called information from bank authorities and Principal of the college to find out, who was actually operating bank account for the period from March 2021 to June 2022 and thereafter, from June 2022 to October 2023. After receiving said information, relying upon stipulation in

Clause 11(m) of Constitution of Trust, learned DCC passed impugned order dated 3rd April 2024, thereby authorizing operation of bank account under signature of Mr. Pandurang Ganpat Patil and Shamsundar Kashinath Bhise respectively along with Principal of College. Learned DCC has further clarified and passed order dated 16th May 2024 elaborating names of the persons authorized to operate bank account along with their designations.

9. As can be observed from record, both change reports depict Mr. Pandurang Ganpat Patil to be Chairman. Although, it is contention of Respondent No.3 that subsequently, in meeting of Managing Committee dated 22nd September 2024, Mr. Pandurang Ganpat Patil has been removed from Managing Committee for remaining term and change is reported vide C.R.No.57 of 2024 to Assistant Charity Commissioner, Solapur, yet no further orders are passed in pursuant to said change reports. Therefore, instead of entering into merits of reported change, Mr. Pandurang Ganpat Patil can be treated as Chairman of Trust till further orders are passed by competent authorities in pending change reports.

10. So far as Mr. Shamsundar Kashinath Bhise is concerned, he was

Secretary of the Trust for the period from 2014 to 2019 as per the last accepted change report as well as pending Change Report No.1309 of 2022. *Prima facie*, till further orders are passed either to provisionally or finally accepting either of the pending change report, position of Mr. Shamsundar Kashinath Bhise as a Secretary of the Trust can be accepted by way of an *adhoc* arrangement.

11. In light of the provisions of constitution of the Trust, particularly Clause No.11(m), Chairman, Vice Chairman and Secretary shall be elected by the Executive Committee and they are responsible to draw cheques under the signature of Chairman or Vice Chairman and Secretary from post office and other saving bank accounts. Clause No.11(n) specifies that Secretary should operate day to day current bank account of Mandal and other institutions. It is therefore, clear that Secretary of the institution has responsibility to sign the cheque, so also operate day to day current bank account of the Trust and institutions. It is therefore, difficult to hold that Chairman only can be permitted to operate the bank account in exclusion of Secretary. Apart from Chairman and Secretary, the Principal of college would also be signatory to operate bank account, as he is directly in-charge of business of the institutions run by the

Trust. Further, his authorization is necessary in terms of the statutory provisions under the Maharashtra Public Universities Act, 2017.

12. In light of aforesaid observations, this Court finds no illegality or infirmity in the impugned order to cause interference under Article 227 of the Constitution of India.

13. However, in peculiar facts of this case, when there is apparent dispute between the Chairman and Secretary as authorized to operate bank account under the impugned order, the possibility cannot be ruled out that there may be hurdle in smooth operation of the bank account, that may cause difficulty in running educational institutions. In that view of the matter, in case, Principal of college reports difficulty in operation of the bank account, learned DCC may take a call to appoint any officer from his office to operate bank account along with the Principal of the college, in place of the Chairman and the Secretary, as authorized under the impugned order.

14. In that view of the matter, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)