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

WRIT PETITION NO.12519 OF 2024

Vivid Vikas Sanghatana,
Public Trust Through its Hon'ble Secretary
Mr.Pandurang J, Shinde .. Petitioner
Vs.
The State of Maharashtra and Ors. .. Respondents

**WITH
INTERIM APPLICATION (STAMP) NO.28150 OF 2025
IN
WRIT PETITION NO.12519 OF 2024**

Mr.Madhukar Bapurao Bhalerao and Ors. .. Applicants

IN THE MATTER BETWEEN :

Vivid Vikas Sanghatana,
Public Trust Through its Hon'ble Secretary
Mr.Pandurang J, Shinde .. Petitioner
Vs.
The State of Maharashtra and Ors. .. Respondents

.....
Mr.Ashok T. Gade a/w. Riya John, advocate for the Petitioner.

Mr.P.P. Kakade, Addl. G.P. with Ms.P.B. Chavan, AGP for the
respondent nos.1,2 and 4.

Mr.Sachin S. Punde a/w. Mr.Suraj B. Jadhav, advocate for the
applicants in IAST No.28150 of 2025.

.....

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ**

DATE : 14th AUGUST 2025.

P.C. :

This application for intervention has been filed by Mr.Madhukar Bapurao Bhalerao and three other persons who are claiming that they constitute the Managing Body of Shree Chatrapati Shivaji Vidyalaya Secondary & Primary School, Satputh, Nashik. In this application, the applicants have made allegations of mismanagement against the petitioner-Managing Body of Vivid Vikas Sanghatana which is a public trust. The applicants have produced a copy of Change Report vide Annexure 'C' at page 52 to submit that they constitute the duly elected body of the Management of the School.

2. As the grievance raised by the petitioner-Sanghatana is directed against the order passed by the Education Officer (Primary) and (Secondary) both on 19th August 2024, this Court need not adjudicate upon the rights of the applicants and the petitioner. However, we have permitted Mr.Ashok Gade, the learned counsel for the applicants to make his submissions and for that purpose alone Interim Application No.28150 of 2025 is allowed. We would further make it clear that the order passed in this intervention application shall not be construed as if this Court has accepted the claim made by the applicants that they are the duly elected members of the Managing Body of the School.

3. In the reply affidavit, the respondent-Education Officer (Secondary), Zilla Parishad has stated thus in paragraphs 4 to 6 of the affidavit:

"4) It is submitted that with a view to know what are the facts of above complaint Respondent No.2 sent a letter to the President of the Petitioner Management. A copy of said notice dated 27.2.2024 was also forwarded to the Petitioner. The Petitioner was also instructed to submit a latest copy of Change Report of the Trust so as to enable Respondent No.2 to take decision on the complaint (i.e. the notice dated 27.2.2024). It is submitted that the President of the Petitioner Management vide his letter dated

16.8.2024 addressed to the Respondent No.2 that the Change Report No. 724 of 2023 filed in the office of Charity Commissioner, Nashik for the period from 2022-25 is still pending.

- 5) *I say and submit that with a view to know the fact regarding authenticity of claim of Petitioner Trust. Respondent No.2 submitted a letter dated 8.8.2024 to the Charity Commissioner, Nashik. It is submitted that the said authority vide its letter dated 16.8.2024 informed the Respondent No.2 that the Change Report No.1902/2022 and 274/2023 in respect of Petitioner Management are still not decided and the copy of Schedule-1 is not updated at present. Hence the said copy cannot be issued. **Hereto marked and annexed as EXHIBIT 2 is the copy of letter dated 16.8.2024 received from office of the Charity Commissioner, Nashik.***
- 6) *I respectfully say and submit that this Hon'ble Court in its order dated 15.04.2024 passed in Writ Petition No. 10894 of 2022, has made the observations that in the case of Murlidhar Janrao Kale v. State of Maharashtra, the Hon'ble Court has clearly held that the Charity Commissioner has the authority to issue directions under Section 41A of the Bombay Public Trusts Act, 1950, and such a recourse ought to be preferred. In the present petition, there is a serious dispute between two rival factions of the management. Therefore, neither this Court nor the Education Department can independently adjudicate this dispute. Accordingly, both factions are permitted to submit an appropriate application under Section 41A of the said Act before the Charity Commissioner. Kolhapur, within a period of two weeks from the date of the order. The Charity Commissioner is then directed to issue appropriate directions, prior to the next date of hearing, clarifying which faction of the management is authorized to submit proposals for staff approval. **Hereto marked and annexed as EXHIBIT 3 is the copy of order dated 15.4.2024 in Writ Petition 10894 of 2022.***

4. It seems that by virtue of the orders passed by the Education Officer (Primary) and (Secondary), the further processing pursuant to Exhibit-D advertisement for appointment of teachers through Pavitra Portal has been stalled. The petitioner-Sanghatana has questioned the jurisdiction of the Education Officers in passing the impugned order dated 19th August 2024 on the ground that the Education Officer shall have no jurisdiction to decide the inter-se dispute between two rival factions of the Managing Body. To that extent, this Court intends to observe that the inter-se claim made by the rival factions shall be a matter which is to be finally adjudicated by the Charity Commissioner

and who is, infact, seized of the matter and shall pass appropriate order under section 41 of the Bombay Public Trusts Act, 1950. Therefore, the aforesaid orders passed by the Education Officer (Primary) and the Education Officer (Secondary) are quashed. The respondents-Education Officers are directed to proceed in the matter in accordance with law uptill the stage the involvement of the Managing Committee of the Shree Chatrapati Shivaji Vidyalaya Secondary & Primary School, Satpur, Nashik becomes necessary.

5. We shall also issue a direction to the Charity Commissioner, Nashik to take a decision on the Change Reports pending before him, within a period of four weeks.

6. Writ Petition No.12519 of 2024 stands disposed of.

7. Interim Application Stamp No.28150 of 2025 is disposed of.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]