

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7266 OF 2025

S.K. Patil Shikshan Prasarak Mandal, Pat
Panchkroshi, Sindhudurg, Through its Secretary,
Avadhut Subhash Rege ..Petitioner

Versus

Sahadeo Ramchandra Madhav (Deceased) & Ors ...Respondents

Mr. Sugandh Deshmukh, for the Petitioner.
Mr. P.P. More, AGP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATED : 30th JUNE 2025

P.C.:

1. Heard the learned Counsel for the parties.

2. This Petition under Article 226 of the Constitution of India takes exception to a judgment and order dated 3rd June 2021, passed by the learned Joint Charity Commissioner, Kolhapur, in Appeal No. 100 of 2018, whereby the Appeal preferred by the Petitioner against a judgment and order passed by the Assistant Charity Commissioner, Sindhudurg, in Change Report No. 392 of 2010 came to be dismissed by affirming the order passed by the Assistant Charity Commissioner rejecting the said Change Report.

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3. The Petitioner is a Public Charitable Trust registered under the Maharashtra Public Trust Act 1950. Election to the Managing Committee of the Petitioner-Trust for the period 2010-2013 was held. The change was reported to the learned Assistant Charity Commissioner vide Change Report No. 392 of 2010.

4. The Respondent Nos. 1 to 7 challenged the legality, validity of the change. Post remand, the learned Assistant Charity Commissioner rejected the Change Report No. 392 of 2010. Being aggrieved, the Petitioner preferred an Appeal No. 100 of 2018, before the Joint Charity Commissioner, Kolhapur. By the impugned order, the Appeal also came to be dismissed.

5. Mr Sugandh Deshmukh, the learned Counsel for the Petitioner, would urge that the very challenge to the change, reported vide Change Report No. 392 of 2010, was misconceived as the objection thereto was filed after the election of the Managing Committee for the next term of 2013-2016. The Authorities also lost sight of the fact that since 1964, the elections to the Managing Committee of the Petitioner-Trust have been conducted in the similar fashion like the one held for the election of the Managing Committee for the term 2010-2013. Therefore, in the absence of definitive election Rules, the Change Report could not have been rejected on the ground that a fair process of Election was not followed.

6. I have perused the impugned order and the material on record. Suffice to note that the learned Assistant Charity Commissioner and the learned Joint Charity Commissioner have adverted to various fundamental flaws in the Election process, like the Election Officer was appointed after the commencement of the Election programme, there was interference in the function of the Election officer, four days were fixed for voting, the notice of the meeting was not issued to all the members of the Petitioner-Trust, certified List of the members of the Petitioner-Trust was not placed on record. In effect, the Election of the Managing Committee was not held in accordance with the constitution of the Petitioner-Trust and fundamental principles of free and fair Election.

7. In the face of these observations the submission of Mr. Sugandh Deshmukh, that the Election of the Managing Committee has been conducted in similar fashion since the year 1964 does not advance the cause of the Petitioner. *Prima facie*, it appears that the basic rules of fair Election like publication of list of members, definitive Election Programme, secret ballot, 15 days notice to the members of the Petitioner-Trust of the General Body Meeting and the casting of votes either in the person or through postal ballot, were all observed in breach.

8. In this view of the matter, having regard to the concurrent finding of facts of the Authorities under the Trust Act 1950, this Court does not find any justifiable reason to interfere with the impugned order in exercise of extraordinary writ jurisdiction.

9. The Petition thus stands dismissed.

[N. J. JAMADAR, J.]