

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10179 OF 2025

Shri Dutta India Pvt. Ltd. And Ors. ... Petitioners

V/s.

The State of Maharashtra through Its ... Respondents
Secretary and Ors.

Mr. Shekhar Jagtap with Manisha Jagtap, Sairuchita Choudhary and Mansi Joshi i/by J. Shekhar Associates, for the petitioners.

Mr. P.V. Nelson Rajan, AGP, for the State.

Mr. P.B. Gujar, for the respondent nos. 4 and 5

Mr. Dhananjay Salunkhe, President, Present.

CORAM : N.J. JAMADAR, J.

DATE : 23rd JULY 2025

PC:

1. Heard the learned counsel for the petitioners.
2. The challenge in this petition is to an order passed by the Charity Commissioner, Maharashtra State, Mumbai on 18th July 2025 on an application submitted by respondent No. 5 on 17th July 2025 seeking permission of the Charity Commissioner to complete the process of recruitment of the teachers in accordance with Government Resolution which provides for completion of the recruitment process and submission of the report, during the period 1st July 2025 to 21st July 2025.

3. The Charity Commissioner has issued notice to the petitioners and Shri Dutta India Private Limited, Sakharwadi, returnable on 21st July 2025. In the meanwhile, the Charity Commissioner has permitted the Trust to complete the process of taking actual interviews of the recommended candidates and assessing their teaching skills, as per Standard Operating Procedure issued by the Directorate of Education, Pune in respect of TAIT-2022 Phase-II and complete the said process on or before 21st July 2025.

4. Mr. Jagtap, the learned counsel for the petitioners submitted that by an order dated 17th April 2025 passed in Writ Petition No. 4918 of 2025, the order of appointing Inspector in the office of the department of the Charity Commissioner as the Administrator of the Trust was set aside. However, petitioners therein / respondent nos. 4 and 5 herein, were directed not to take any policy decision. The respondent nos. 4 and 5 were also directed not to take any decision in regard to the appointment, promotion and termination of the employees of the Trust till adjudication of the pending change reports.

5. The Division Bench had, however, granted liberty to the petitioners therein/ respondent nos. 4 and 5 herein, to make an appropriate application to the learned Charity Commissioner in case of any urgency.

6. The said clause (v) reads as under:

v. We, however, clarify that in the event there is any urgency of any decision to be taken, we permit

the petitioners to make an appropriate application to the learned Charity Commissioner who shall decide the said application after hearing all the parties and in accordance with law.

7. Mr. Jagtap, the learned counsel submitted that no case of urgency has been made out. The process of appointment of the teachers is in teeth of the order of the Division Bench. Therefore, the Charity Commissioner could not have permitted the trust to complete the process of the recruitment of the teachers and submit the report to the State Government.

8. By the impugned order, the Charity Commissioner has issued notice to the petitioners, purportedly in view of the liberty granted to the respondent nos. 4 and 5 by the Division Bench in the afore-extracted clause of the order dated 17th July 2025.

9. The matter is yet to be heard and decided by the Charity Commissioner. Needless to clarify that the Charity Commissioner would be required to pose unto himself the question as to whether the respondent nos. 4 and 5 can be permitted to take decisions in regard to the appointment of the employees in view of clause ii (c) of the said order.

10. The Court is informed that the matter is posted before the Charity Commissioner today. In the event, the petitioners are not able to appear before the Charity Commissioner today, as they have moved the petition before this Court, the Charity Commissioner shall post the matter tomorrow and provide an effective opportunity of hearing to

the petitioners and shall pass an appropriate order keeping in view the directions of the Division Bench in the order dated 17th July 2025 in Writ Petition No. 4918 of 2025.

11. The petition stands disposed with the aforesaid directions.

12. It is clarified that this Court has not entered into the aspect as to whether the appointment of the teachers, at this juncture, is imminently necessary and urgent. All questions are kept open to be decided by the Charity Commissioner.

13. The learned Assistant Charity Commissioner, who is seized with the Change Reports, is requested to decide the pending Change Reports as expeditiously as possible in terms of the order passed by the Division Bench in Writ Petition No. 4918 of 2025.

(N.J. JAMADAR, J)