



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 6722 OF 2024

Alhuda Social Welfare Society, Malkapur and anr.

-Vs.-

Education Officer (Secondary), ZP Buldhana and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr.Z.Z.Haq, Adv. for the petitioner.
Mr.P.P.Pendke, AGP for the respondents-State.
Mr. R.D.Karode, for the respondent Nos.2,5 and 6.
Mr. V.N.Morande, Adv.for the intervenor.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 12TH MARCH, 2025

The petition questions the order dated 04/04/2024 passed by the Education Officer (Secondary)-respondent No.1, to the extent, it directs the person recorded in Schedule-1, to grant approval to the actions of the headmaster in the administrative work and financial transactions, for the purpose of salary of the teachers and other expenses.

2. Mr.Haq, learned counsel for the petitioners, taking exception to the said contention, contends, that the entry in the Schedule-1 is of the year 1992 and has not been updated thereafter in spite of several elections having already been held. He further submits, that the change reports filed by the petitioners on the one hand and the respondent Nos.5 and 6 on the other, raising contrary claims are pending

before the Assistant Charity Commissioner, Buldhana for adjudication, on account of which, the entries in the Schedule-1, on account of the passage of more than 30 years, have lost their efficacy and therefore, the impugned direction as contained in the impugned communication dated 04/04/2024 cannot be sustained.

3. Mr. Karode learned counsel for the respondent Nos.2, 5 and 6, does not dispute, that substantial time has been elapsed, since the last entry in Schedule-1, which is of the year 1992. He however, contends, that since change reports are pending by the rival factions, the same should not adversely affect the running of the educational institutions.

4. Considering that there is a dispute in the management, which requires adjudication at the hands of the Assistant Charity Commissioner before whom they are pending, we direct the Assistant Charity Commissioner, Buldhana to decide the Change Report Nos.106/2024 and 175/2023, within a period of one year from today.

5. Insofar as the communication dated 04/04/2024 is concerned, considering that the last entry in the Schedule-1 is of the year 1992, we hereby quash and set aside the direction as contained therein, for the persons, whose names figure in the Schedule-1 to direct the headmaster in the financial and administrative work.

6. We also make it clear, that the headmaster shall be entitled to perform all administrative and financial activities

of the trust, independently, without being influenced by either of the factions headed by the petitioners or by the respondent Nos.5 and 6 in any manner whatsoever.

7. Needless to say, that it would be open to either of the factions, to file an application under Section 41-A of the Maharashtra Public Trusts Act for directions, for necessary administration of the Trust.

8. The petition stands disposed of in the above terms.
No costs.

(ABHAY J. MANTRI,J) (AVINASH G. GHAROTE, J)