



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7187 OF 2025

Shardopasak Shikshan Sanstha Through Its President And
Others

VERSUS

The Joint Charity Commissioner, Latur Region And Others

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Advocate for Petitioners : Mr. N.P. Patil-Jamalpurkar

AGP for Respondents no.1,2 : Mr. K.N. Lokhande

Advocate for Respondents no.3 to 5: Mr. S. B. Gastgar

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 17, 2026

FINAL ORDER :-

1. Present writ petition is filed with following prayer :-

“C”.The order dated 16.5.2025 passed by the Joint Charity Commissioner, Latur Region, Latur in Revision No.92 of 2024 and the order dated 8.7.2024 passed by the Deputy Charity Commissioner, Latur in Misc. Application No.437 of 2024 in Change Report No.436 of 2024 may please be quashed and set aside and the Misc. Application No.437 of 2024 filed by the petitioners for provisional acceptance of Change Report No.436 of 2024 deserves to be allowed, by issuing writ of certiorari or any other appropriate writ, order or direction in the nature of writ of certiorari.”

2. Petitioner no.1 is a Public Trust registered vide no.F-144 (Latur). The petitioners runs Educational Institutions having 152 to 200 employees. Petitioner no.2 reported change regarding elections held on 23.5.2024 for the tenure from 23.5.2024 to 22.5.2029. Accordingly, inquiry no.436 of 2024

was taken up by the Deputy Charity Commissioner, Latur. Petitioners had also filed a Misc. Application No.437 of 2024 requesting to provisionally accept the change report. Simultaneously, respondent nos.3, 4 and 5 had filed counter change report in inquiry no.383 of 2024 alongwith M.A. No.384 of 2024 for provisional acceptance. The learned Deputy Charity Commissioner rejected MA No.437 of 2024 seeking provisional acceptance of change report in inquiry no.436 of 2024. The aggrieved petitioners filed Revision no.92 of 2024 before the Joint Charity Commissioner Latur. However, learned Joint Charity Commissioner by impugned order dated 16.5.2025 dismissed the revision no.92 of 2024. Hence, this petition.

3. Mr. N.P. Patil-Jamalpurkar, learned advocate appearing for the petitioners would submit that last undisputed change report regarding election of 2019 was accepted by the Deputy Charity Commissioner, Latur in CR No.235 of 2015. Uncontroverted Managing Committee was in power since 2013 till 2018. Majority of the Members of Managing Committee in Change Report no.436 of 2024 were part of management during 2013 to 2018. Elections for next tenure of 2019 to

2024 were held on 19.2.2019. Eventually, Change Report no.1304 of 2019 was filed. During pendency of the said change report, interim arrangement was made as per directions given by this Court in Writ Petition no.11633 of 2019 and Managing Committee elected on 19.2.2019 was allowed to administer day-to-day affairs of the public trust except the rider not to take major policy decisions. Mr. Patil would submit that since term of election of last committee was to expire in the year 2024, further elections were held and accordingly, change report no.436 of 2024 has been filed before Deputy Charity Commissioner alongwith application for provisional acceptance. However, Deputy Charity Commissioner rejected the prayer for provisional acceptance on the ground that Managing Committee, who was administering the Trust under Interim orders passed by this Court was not authorized to conduct elections as they were prevented from taking policy decision. Mr. Patil would urge that since the members, who are in-charge of administration of the Society from 2013 are managing the trust in terms of fresh election, which is subject matter of Change Report no.436 of 2024, there was no impediment in allowing the application for provisional acceptance of change report. Mr. Patil would

therefore urge to allow writ petition by setting aside impugned orders.

4. Per contra, Mr. Gastgar, learned advocate appearing for respondents nos.3 to 5 would support impugned order. He would submit that CR No.1304 of 2019 has been rejected vide judgment and order dated 22.4.2024. The Joint Charity Commissioner observed that by interim order dated 23.1.2020 passed by this Court on in writ petition no.11633 of 2019, last Managing Committee was permitted to manage and administer the day-to-day affairs of the Trust with specific rider for taking policy decision. Their powers were restricted to disbursement of salary of staff members, spending of amount for day-to-day maintenance up to Rs.1 Lakh. Therefore, it was not expected from them to take any policy decision including the decision to hold the elections.

5. Change Report No.436 of 2024 is filed contending that elections of Managing Committee has been conducted on 23.5.2024 as the reporting trustees had requested President/Secretary to hold the elections as tenure of the Managing Committee was already expired. Accordingly, Election Officer was appointed on 23.5.2024 and elections

were held. The aforesaid events would show that petitioners/Trustees, who were in-charge for day-to-day administration of Trust proceeded to hold the elections on 23.5.2024 without prior permission from the competent authority and declared themselves as elected in the election held on 23.5.2024. Accordingly, C.R. No.436 of 2024 is filed.

6. Learned Joint Charity commissioner is therefore right in prima facie observing that validity of such election or right and authority of the Managing Committee to hold election itself is questionable. Pertinently, last change report submitted by petitioners is rejected by Deputy Charity Commissioner after full-fledged inquiry. There is doubt as to validity of membership of some of the trustees. The question as to validity of reported election needs in-depth deliberation in pending CR No.436 of 2024. In that view of the matter, when on prima facie consideration of the material, legality of election and consequential change report is questionable, there is no reason to allow the application for provisional acceptance of the Change Report.

7. So far as issue of day-to-day administration of the Trust is concerned, the petitioners may approach Deputy Charity

Commissioner and request for passing the workable orders till final decision in Change Report Inquiry no.436 of 2024. With the aforesaid observations, writ petition stands **rejected**. No costs.

(S. G. CHAPALGAONKAR, J.)

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