



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15539 OF 2025

Balaji Yuvak Mandal, Nawandi,
Tq. Udgir, Dist. Latur,
Through its Secretary,
Tukaram s/o Arjunrao Budde,
Age: 59 years, Occu.: Social Work,
R/o. Mane Nagar, Loha, Tq. Loha,
District Nanded.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Additional Principal Secretary,
Handicapped Welfare Department,
Mantralaya, Mumbai-32.
2. The Commissioner,
Handicapped Welfare,
Maharashtra State, Pune.
3. The Regional Deputy Commissioner,
Social Welfare, Latur,
Taluka and District Latur.
4. The District Social Welfare Officer,
Zilla Parishad, Dharashiv,
Tq. And District Dharashiv.
5. Tuljai Pratishthan Bahu-uddeshiya
Sanstha, Pangaon, Tq. Kalamb,
Dist. Dharashiv,
Through its Secretary.
6. Lokshahir Annabhau Sathe Shikshan
Sanstha, Nilanga, Tq. Nilanga,
District Latur,
Through its Secretary.

.. Respondents

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Mr. V. D. Gunale, Advocate for the petitioner.
Mr. S. B. Narwade, AGP for respondent/State.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 11 MARCH 2026

ORDER :

. Present petition has been filed for challenging the order dated 27.06.2025 passed by the respondent No. 1 in Appeal No. 2025/Prk-07/HW-1 thereby rejecting the appeal on the ground of delay.

2. Heard learned Advocate for the petitioner. He has taken us through the documents. He submits that the petitioner institution was registered on 01.08.1988. Petitioner institution was running a schools by name Sant Dnyaneshwar Maharaj Residential Deaf and Dum School at Kallamb, Tq. Kallamb, Dist. Dharashiv and Ramlaxman Mentally Retarded Residential School at Omerga, Tq. Omerga, Dist. Dharashiv. Those schools were receiving grants from the Government by order dated 31.03.1997 and 27.03.1999, however, the license to the said schools were cancelled and therefore, the petitioner institution had filed an appeal. The said appeal was allowed by Hon'ble State Minister of Social Welfare on 07.01.2022 and 07.03.2002. The respondent No.3 was directed to restore the license from the academic year. The petitioner states that when the said order was passed by respondent No. 1 for restoration of license, at that time,

the Deputy Charity Commissioner had accepted the change report of the managing committee. One Venkant Munjaji Kamble was the President and the present petitioner Tukaram Budde was the Secretary of the trust and, therefore, names were recorded in Schedule-I. However, the earlier Secretary late Ashok Dhondiram Kandgire, without any authority transferred the school under the management of the petitioner. Though by order dated 07.01.2002 and 07.03.2002 there was direction for restoration of license in the name of petitioner, yet petitioner trust i.e., schools were transferred in the name of respondent Nos.5 and 6. It appears that by preparing false record, said Secretary late Ashok Kandgire had submitted the proposal. Petitioner had then filed objection to respondent Nos.1 to 4 and had requested not to transfer or issue license of those schools without the permission of the Managing Committee of the trust, however, with the collusion of respondent Nos.3 and 4 said secretary late Ashok Kandgire was able to transfer the schools. The petitioner institution was not given an opportunity of hearing and it also appears that the responsible officers had played fraud upon the Government in getting those schools transferred. In fact, the order of acceptance of the change report has gone unchallenged, but still then the matter was taken in appeal before the Joint Charity Commissioner by said Ashok Kandgire. By order dated 20.12.2008, the Joint Charity

Commissioner had partly allowed the appeal and set aside the order of acceptance of change report and remanded the matter back to Deputy Charity Commissioner, Latur. Thereafter, there was no persuasion of that matter by late Ashok Kandgire. Elections were held in respect of petitioner trust from time to time thereafter the change reports have been accepted by Assistant Charity Commissioner, Latur. Said Ashok Kandgire was prosecuted by F.I.R No. 161 of 2006 for the offence punishable under Sections 420, 467, 468, 471 and 34 of Indian Penal Code. The petitioner had sought certain information under the Right to Information Act from Charity Commissioner's Office regarding whether the permission was sought for transfer of those schools. The information was then supplied in writing to the petitioner on 12.07.2017, stating that no such permission was given. The petitioner then filed appeal and prayed for cancellation of transfer of the schools. Inquiry was directed by the Hon'ble Minister in the said appeal and the reports have been submitted. When decision was not taken, the petitioner had approached this Court by filing Writ Petition No.2281/2025 for deciding the same matter expeditiously. Thereafter, the impugned order has been passed stating that there is inordinate delay. Hence, the writ petition.

3. Learned Advocate for the petitioner, however, submits that the petitioner was persuading the other authorities i.e. the Deputy Charity

Commissioner, Latur and was collecting the documents. All these things were explained in the appeal as well as was pointed out at the time of hearing of the appeal, yet the appeal has been dismissed on the ground of delay. The efforts made by the petitioner during the said period ought to have been taken for condonation of delay.

4. Perusal of the impugned order would show that in the impugned order dated 07.01.2002 and 07.03.2002, the Hon'ble Minister had not granted the transfer, but it was only opined that it would be appropriate if the schools are transferred, but in view of the said opinion, it appears that decision was taken in 2002 itself to transfer the schools. It has been observed that at the transferred place those schools or the functioning of the institution was smoothly going on for last 23 years, this was the main point for consideration. Here, we have observed that the petitioner was having knowledge of all the activities, yet had not filed any appeal or taken up any action to challenge the transfer. It is not imaginable that only to collect the documents, the petitioner would require so much of period. The petitioner's persuasion before Assistant Charity Commissioner and Joint Charity Commissioner cannot be considered as a step for pursuing the cost of transfer of schools. Bad action was taken for filing the application for change report and then when it was challenged by the earlier secretary then it was partly allowed and again the inquiry

was pending before Assistant Charity Commissioner, Latur. Even if, we consider that the petitioner Secretary was duly elected, but when he had the knowledge and was intending to protect the transfer of the schools, he ought to have approached the appropriate authority within reasonable time. Twenty Three years cannot be said to be a reasonable time and, therefore, the reason given for rejecting the appeal is preferably legal. It does not require any interference. Case is not made out for exercise of powers under Article 226 and 227 of the Constitution of India.

5. Writ Petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm