



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

WRIT PETITION NO. 15540 OF 2025

Balaji Yuvak Mandal Nawandi Through Its Secretary Tukaram A Budde

VERSUS

The State Of Maharashtra And Others

Mr. V. D. Gunale, Advocate for petitioner

Mr. A. M. Phule, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 03rd February, 2026

PER COURT :-

1. 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 school by name Dhondiram Reddy Residential Handicapped School at Renapur Tq. Renapur, Dist. Latur, Vitthal Pandurang Residential Handicapped Workshop, Renapur and Hanuman Residential Mentally retarded School at Nilanga, Dist. Latur. Those schools were receiving grants from the Government by order dated 27.03.1999 and 23.03.1999, however, the license to the said schools were cancelled and therefore, the petitioner

institution had filed a appeal. The said appeal was allowed by Hon'ble State Minister of Social Welfare on 19.09.2001, 28.01.2002 and 06.02.2002. 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 transfer the school under the management of the petitioner. Though by order dated 07.01.2022 and 07.03.2002, there was direction for restoration of license in the name of petitioner. Petitioner trust i.e., school were transferred in the name of respondent Nos. 5 to 7. It appears that by preparing false record, said Secretary late Ashok Kandgire had submitted the proposal. Petitioner had then filed objection to the 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, yet 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

that 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 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 led 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. 161/2006 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. 2289/2026 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 petitioners 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 ought to have approached the appropriate authority within reasonable time. 23 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, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi