



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.1828 OF 2026

Keshav Rama Muddewad

VERSUS

The State Of Maharashtra Through Principal Secretary And Others

...

Mr. Taher Ali Quadri, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents/State.

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**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATE : 24 APRIL 2026

ORDER :

. Present petition has been filed for following reliefs :-

“B. By issuing appropriate writ, order or directions, in the like nature, the Respondent No.1 and 2 may kindly be directed to implementing and/or pass appropriate orders on the recommendations of respondent No.4 i.e. Director of Other Backward Bahujan Welfare Department vide letter dated 13.12.2024, regarding appointment of Administrator over the Ashram Schools i.e. Respondent Nos.8 to 12 and 14 to 16, run by respondent Nos.7 and 13 and to take appropriate action against them.

C. By issuing appropriate writ, order or directions, in the like nature, the respondent No.1 and 2 be directed to take appropriate action against the respondent Nos.7 to

16 in view of the representation-cum-application of the petitioner dated 22.01.2025 and 16.06.2025 and/or decide the representation-cum-application of the petitioner dated 22.01.2025 and 16.06.2025 expeditiously as early as possible within stipulated time.”

2. Heard learned Advocate for the petitioner. Learned AGP, who waives notice for respondent Nos.1 to 6 raises preliminary objection regarding maintainability in view of the fact that the petitioner is a third party i.e. a social activist, who has made the above prayers.

3. Learned Advocate for the petitioner objects or answers to the objection by stating that though the petitioner had made the original complaint, there was an inquiry and the inquiry committee has found irregularities in respondent Nos.7 to 16 and the Committee itself had then made a recommendation that the Administrator is required to be appointed. He also submits that when such report was submitted by the Committee, the Regional Deputy Director had made communication that an amount of Rs.52,28,352/- should be recovered from the institutes. Thereafter, a Government Circular came to be issued on 04.12.2018. The report dated 13.12.2024 given to the Principal Secretary by Director Other Backward Classes Welfare Department speaks and highlights about various irregularities those were noted. Based upon the said report, the petitioner has made representation to the Principal Secretary on

22.01.2025 for taking action on the report, however, since there is no action, the petitioner was required to approach this Court.

4. The first and the foremost fact that is required to be noted is that it appears that various documents have been collected by the petitioner under the Right to Information Act. He could have also sought the information as to whether the amount has been recovered or not. Further when this question was asked, the learned Advocate for the petitioner submits that the petitioner is not on the point of recovery of the amount, but as per the representation dated 22.01.2025, he has prayed that action should be taken by the Government on the basis of report dated 13.12.2024.

5. It appears that when the present petitioner had made complaint, an inquiry committee was appointed. The initial order was dated 10-18.01.2024, however, it was then modified by order dated 16.02.2024. It was the three members committee, who had then made inquiry and made recommendations for appointment of Administrator on the schools. The conclusion drawn by the three members committee is that the sanction to the Ashram Schools has been granted under the Bombay Public Trust Act and then it is stated that the schools are bound to follow the rules and regulations of the Government. Though there is mention

about Ashram Shala Sanhita, in the conclusion, the Committee has not stated under which provisions of the Code, the Administrator can be appointed. We have seen the Ashram Shala Sanhita and there is no provision for appointment of an Administrator on the Ashram Schools. Here, the committee was bound to consider the provisions of Ashram Shala Sanhita, 2019 (Ashram School Code) also and it appears from the entire structure that it is the Code in itself. Now, if there are shortcomings or alleged irregularities, then the first endeavour should be to see as to whether it can be ratified and improved. If there is no improvement even after the communication about the irregularities, then as per the provisions under the Code, there can be an action of cancelling the sanction granted to run the school. Only Government Resolutions will not be sufficient, as there has to be a basic provision under the enactment. The Government Circular dated 04.12.2018 lays down the procedure and it has been stated that when there are irregularities, then it should be made known to the concerned school authorities. The Government has bifurcated the remedies into two categories, one is serious irregularities and another is minor irregularities. It has been stated that which acts would amount to serious irregularities. Even in case of serious irregularities, after giving notice to the institution and the Headmaster, it is stated that the principles of natural justice should be

adhered to. The said Government Circular then stipulates imposing of fine, if those serious irregularities are not cured. Thereafter, one more chance to cure it after imposing the fine of one month should be given and if it is still not adhered to, then by giving written notice the sanction would be cancelled. Even for the cancellation of the sanction it is stated that there should be a speaking order. The said circular also speaks about what are the minor irregularities and makes a provision for imposing lesser fine on the institution. Therefore, neither in the Ashram School Code, 2019, there is a provision for appointment of Administrator, nor the Circular dated 04.12.2018 makes such provision. In spite of that if that recommendation is made it is not binding on the State Government to take action on the said recommendation. Reference can be made to the decision of this Court in **Dhanwantary Medical and Educational Foundation, Through its Secretary Vs. The State of Maharashtra and others, [Writ Petition No.8202 of 2023 with companion matters decided on 15.01.2024]**, to which [Smt. Vibha Kankanwadi, J.] was party, wherein it has been held that although the State will have the ultimate authority to control the mismanagement or irregularities, such control must be exercised strictly in accordance with law, and not by appointing an administrator in the absence of express statutory sanction. Therefore, we do not find this to be a fit case where we should exercise our powers

under Article 226 of the Constitution of India.

6. The writ petition therefore stands dismissed.

[AJIT B. KADETHANKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm