



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

District : Dhule

WRIT PETITION NO.3221 OF 2026

Anantrao Laxmanrao Desale
Age: 73 years, Occ: Agri and Social Worker,
R/o. Kasare, Tq. Sakri, Dist. Dhule.

.....PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Education Department,
Mantralaya, Mumbai-32.
2. The Director of Education
Maharashtra State Pune.
3. Deputy Direction of Education
Nashik Region Nashik.
4. The Education Officer (Secondary)
Zilla Parishad, Dhule, Dist. Dhule.
5. Kasare Education Society, Kasare
Tq. Shakri, Dist. Dhule,
Through its Secretary.
6. Khandesh Gandhi Balubhai Mehta
Secondary School and College, Kasare,
Tq. Sakri, Dist. Dhule,
Through Headmaster

.....RESPONDENTS

Mr. D. R. Kale, Advocate for petitioner
Mr. V. M. Kagne, AGP for respondent-State

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

DATED : 07TH MAY, 2026

JUDGMENT :- (Per Ajit B. Kadethankar J.)

. Heard Mr. D.R. Kale, learned advocate for the Petitioner and Mr. V.M. Kangane, Learned Assistant Government Pleader for final disposal of the Writ Petition at admission stage.

2. The Petitioner has come up with following prayers:

B. By issuing appropriate writ, order or direction in the like nature, the respondent no.1 and 2 may kindly be directed to act upon inquiry report dated 09.07.2025 submitted by respondent no.4 and appoint administrator over respondent no.5.

C. By issuing appropriate writ, order or direction in the like nature, the respondent no.1 to 4 may kindly be directed not to disburse or grant funds including salary and amount of other than salary to the person appointed in the school run by respondent no.5.

D. By issuing appropriate writ, order or direction in the like nature, the respondent no.1 to 4 may kindly be directed to fix the liability on the shoulder of respondent no.5 and its trustees about withdrawal, disbursement and expenditure of amount received from government and its authority and recover the said amount from them personally.

3. Petitioner predominantly seeks directions to the State Government and Zilla Parishad authorities to appoint administrator on the Respondent nos. 5 and 6 – the School Management.

4. To buttress the prayer, Petitioner heavily insists upon the Change reports filed by the trustees of the Respondent no.5 Society Trust which are rejected by the Learned Assistant Charity Commissioner at Dhule.

5. Mr. D. R. Kale, learned Advocate for the petitioner would submit that it is manifest that the Chairman of the Trust as also the other trustees shown to be signatory to the recruitment conducted by the Respondent no.5 trust had no authority to make any appointments in the Respondent no.6/school.

6. It is the contention of Mr. Kale that the Petitioner had filed several complaints against the conduct of office bearers of Respondent no.5/Society with the appropriate authorities. That, as per his knowledge an enquiry was also sought to be conducted into the affairs of the society pursuant to his complaints. That, the authorities did nothing further which has encouraged the trustees to continue their illegal acts.

7. As such Mr. D.R. Kale, learned advocate for the Petitioner prays to direct the authorities to take up the enquiry conducted against the Respondent no.5 to its logical end and appoint an administrator on the society.

8. Mr. V. M. Kangane, learned Assistant Government Pleader opposes the petition. He would submit that its not a fit case wherein interference of this Court is warranted. He would submit that Petitioner has no *locus standi* to interfere into the affairs of the Respondent no.5 nor has any authority to seek indulgence in the official activities being done by the authorities. He would pray to dismiss the petition.

9. We have heard Mr. Kale and Mr. Kangane at length. At the outset we record our strong reservation against the locus of the Petitioner as also the remedy sought to be exhausted by the Petitioner u/a 226 of the Indian Constitution.

10. The Petitioner was a member of the Respondent no.5/society which is a public trust registered under the Maharashtra Public Trust Act, 1950. Assistant Charity Commissioner and the Joint Charity Commissioner are the appropriate and competent authorities who have overall control over the administration of the Trusts. Petitioner has questioned competency of the office bearers of the trust to hold their respective Chairs with reference to the orders passed on their change reports. If so, instead of persuading appropriate mode of prosecution, the Petitioner lodged complaints with Education Officer, Director of Education and the Minister of Education.

11. Needless to mention, none of these authorities have control or jurisdiction over a Trust registered under the Maharashtra Public Trust Act, 1950. Petitioner's prayer to appoint administrator on the Respondent no.5 Trust is corresponding to the authority of the Office bearers of the Respondent no.5/Trust.

12. School administration by the School Management is governed by the procedure laid down in the Maharashtra Employees of Private School Act, School Code and various Government Resolutions issued by the State Government from time to time. For enquiry against the Respondent no.6/School by the Education authorities, the Petitioner has to demonstrate procedural illegality at the hands of the School Management, which is evidently absent in the Writ Petition. What is available, are the representations filed by the Petitioner within 2025 year only. That itself doesn't make out any case to prove even *prima facie* that the School Management or the School administration has committed any procedural illegality. Under these circumstances, no writ can be issued against the Respondent nos.1 to 4 to appoint an administrator over the Trust.

13. Jurisdiction of the Education Authorities is circumscribed to the procedure conducted and rules followed by the School Management and the School administration. We refrain ourselves

from observing anything more, since the Petitioner has pointed out that the Education Officer has produced some inquiry report to the Deputy Director of Education. The authorities may deal on the issue within their jurisdiction and as per the procedure.

14. However, for the reasons recorded above we do not find this case fit at this juncture to exercise our jurisdiction u/a 226 of the Indian Constitution.

15. Accordingly, the Writ Petition stands dismissed.

[AJIT B. KADETHANKAR, J]

[SMT. VIBHA KANKANWADI, J.]