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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3269 OF 2026

Vishwanath Baswantrao Satalkar

VERSUS

The State of Maharashtra Through Secretary And Others

.....

Mr. Santosh B. Gastgar, Advocate for the Petitioner

Mr. S.B. Pulkundwar, AGP for Respondents No.1 to 4

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 08 APRIL, 2026

PER COURT :-

1. The present petition has been filed for following reliefs:

“(B) By issuing writ of Mandamus or any other appropriate writ, order or directions like in the nature, direct the respondents No.1 to 4 without granting extension retire respondent No.6 due to superannuation on 31.03.2026 from the post of Principal, Shivjagruti Senior College Nalegaon Tq. Chakur Dist. Latur run by respondent No.5 trust as per existing Rules and Regulations.

(C) By issuing writ of prohibition or any other appropriate writ, order or directions like in the nature, to prohibit the respondents No.1 to 4 from granting extension of service period from 60 years to 62 years of respondent No.6 on the basis of proposal dated 14.01.2026 forwarded by alleged Managing Committee of respondent No.5 Shri. Swami Vivekanand Bahuuddeshiya Vikas Mandal Nalegaon PTR No. F/2659 (Latur) trust.

2. Learned advocate for the petitioner submits that the petitioner is the Founder Secretary and Founder Member/Trustee of respondent No.

5. The trust is running an 11th and 12th Arts, Commerce and Science College as well as a Study Centre of Yashwantrao Chavan Open University, Nashik. The change reports in respect of the trust were

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pending before the Deputy Charity Commissioner, Latur, for the periods 2012–2015, 2015–2018 and 2021–2024. As per the order dated 23.01.2024, the petitioner and other executive body members in Change Report No. 652 of 2022 were looking after the day-to-day affairs of the trust. However, the Deputy Charity Commissioner, by order dated 14.10.2024, rejected all the change reports. During the pendency of the change reports, one Baburwan Manikrao Jadhav and others had filed proceedings under Section 41-A of the Maharashtra Public Trusts Act and had prayed for holding elections. In that respect, an order was passed on 24.10.2024 directing the Inspector from the office of the Charity Commissioner, Latur, to hold the elections. Accordingly, the concerned authority conducted the elections; however, according to the petitioner, the elections were not conducted in accordance with the bye-laws of the trust. On the basis of the election shown to have been conducted by the said authority, Change Report No. 227 of 2025 has been filed. Thereafter, the valid members of the trust, along with the petitioner, filed Change Report No. 349 of 2025 before the same authority. Those change reports are pending before the Deputy Charity Commissioner, Latur. As of today, no provisional acceptance of any change report has been granted. Taking into consideration the existence of rival groups, in fact, no action ought to have been taken; however, a proposal has still been submitted seeking enhancement of the

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retirement age of the Principal, i.e., respondent No. 6, from 60 to 62 years, whose date of retirement is 31.03.2026. The petitioner has submitted representations to the authority, i.e., the Joint Director of Education, Nanded, on 14.01.2026, and therefore the petitioner has been constrained to approach this Court.

3. The first and foremost fact that is required to be considered is that the petitioner is seeking relief of a restraining nature on the basis of disputed questions of fact. This Court cannot go into the aspect as to whether the elections that have been held were in accordance with the procedure or the bye-laws, since the said matter is seized of by the learned Deputy Charity Commissioner, Latur. Now, as regards the proposal for extending the retirement age, the same is also pending before the Joint Director of Higher Education, Nanded Division, Nanded. The said authority is competent to take its own decision, taking into consideration the facts and circumstances placed before him. Therefore, no case is made out for interference under the powers under Article 226 of the Constitution of India.

4. The writ petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE