



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
901 CIVIL APPLICATION NO. 1244 OF 2026
IN RAST/2332/2026**

THE SECRETARY MAHATMA GAUTAM SHIKSHAN PRASARAK MANDAL
VERSUS
KALPANA VITTHALRAO TAPKIRE AND OTHERS

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Advocate for the Applicant : Mr. Jadhavar Santosh Sampatrao
Advocate for Respondent No.1/ Petitioner in WP : Mr. R.R. Suryawanshi
AGP for Respondent/State : Ms.K.B.Patil-Bharaswadkar

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**CORAM : KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.**

DATE : 06.03.2026

PER COURT :

. Heard.

2. This application is filed for condonation of delay of 24 days caused in filing the Review Application.

3. For the reasons stated in the application, delay stands condoned. Civil Application is allowed in terms of prayer clause 'B'.

IN RAST/2332/2026

5. Heard the parties.

6. At the outset, learned Advocate for respondent raises a question of *locus standi*. The application is now filed by the respondent No.4 in the Writ Petition through the Secretary viz. Ananda Kondiba Kuchekar. It is tried to be canvassed that in the Writ Petition though, the

management was a party, the affidavits were filed by Kalpana Vitthalrao Tapkire posing to be secretary of the management however, she was not the Secretary on the date of filing of the affidavit.

7. It is further sought to be tried to argue that said Vitthal Tapkire happens to be a father of the petitioner and it is in that context the stand was taken supporting to the petitioner. He thus, submit that a fraud is played upon this Court .

8. Learned counsel Shri Suryawanshi for respondent No.1 invites attention of this Court to Schedule-I in the office of Charity Commissioner showing that Vitthalrao Tapkire is the Secretary of the trust. On the contrary, it is seen that the name of Ananda Kondiba Kuchekar does not appear anywhere in the list of trustees in the Schedule-I.

9. Learned counsel Shri Jadhavar for applicant however, submits that in 2022 the elections took place. He tried to place reliance on the proceedings of the trust showing that on 24.03.2022 Shri Tapkire was not the secretary. He submits that even the change report is pending before the authority.

10. This Court is dealing with a review application. Present Advocate Shri Jadhavar was not the Advocate in the Writ Petition. From the order impugned to the petition, it is clear that the order was passed by looking to the record annexed to the petition i.e the order passed by Deputy Director of Education, Nashik and others. Even, the Education Officer was represented by learned AGP, the management was represented by learned Advocate Shri. R.K. Jadhavar.

10. It is needs to note that the review application cannot be entertained firstly, because the Advocate who is arguing the review application was not an Advocate in the Writ Petition. Just because of change in the Secretary, the Management cannot file a review which was a party to the petition. Secondly, this Court need not to go into the question as to who is the person authorised to file petition/affidavit on behalf of the management. Looking to the limited scope of review, this Court need not to go into all the issues right from the authority of the present secretary to file a review application etc.

11. For all these reasons, this Court finds that Review Application is not maintainable and the same deserves to be dismissed. Hence, the Review Application stands dismissed.

(ABASAHEB D. SHINDE, J.)

(KISHORE C. SANT, J.)

V.S.Joshi