

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15296 OF 2024

Rangrao Dadu Shinde

VERSUS

The State of Maharashtra Education Dep. And Ors.

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Mr. Satvashil Gaikwad a/w Mr. Kunal Shirgire, Mr. Prashant Patole
i/by Mr. Vikas Kolekar, Advocate for Petitioner.

Mr. Siddheshwar B. Kalel, AGP for the Respondent-State.

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CORAM : SMT. VIBHA KANKANWADI &
NANDESH S. DESHPANDE, JJ.

DATE : 9th JUNE, 2026.

P. C. :

1. Learned Advocate Mr. Satvashil Gaikwad h/f Mr. Vikas Kolekar seeks accommodation. However, we are not inclined to grant an adjournment.
2. By way of this petition, the petitioner is challenging the legality, validity and propriety of the advertisement dated 26.07.2024 published in a daily newspaper by respondent no.5.
3. The petitioner contends that he is a founder member of respondent no.5 and was the secretary in the past. Change report was submitted to respondent no.3 on 10.11.2006, wherein certain

members of respondent no.5 were removed and thereafter it is stated that the litigation started. The said change report was allowed which was then challenged before the District Court Islampur. The appeal was allowed on 12.12.2007 by the District Court and the matter was remanded for a fresh inquiry. The second appeal was filed before this Court bearing Second Appeal No.580/2008. By Judgment and order dated 09.09.2008, the order passed by the District Court, Islampur was confirmed and the matter was remanded to the Assistant Charity Commissioner.

4. It is then stated that this Court had directed the respondent no.2 to appoint the senior most teacher as an Administrator for the administrative matters till the decision by the Charity Commissioner in respect of the change reports. The change reports were to be decided within a period of two months from the date of the order in second appeal, which was later on got extended from this Court. It is stated that, taking disadvantage of the appointment as Administrator, the respondent no.4 has taken certain policy decisions. One Rahul Patil was appointed as a Clerk of respondent no.5 – Trust by respondent no.4. By suppressing the order passed in the second appeal, the respondent no.4 got certain order from this

Court. Thereafter, a review petition was filed before this Court bearing Review Petition (st.) No.21255/2021 and it is still pending before this Court. Even a criminal complaint was also filed against respondent no.4 before the learned J.M.F.C. Islampur. The petitioner had then issued a notice of inquiry against respondent no.4 and an inquiry officer was also appointed, but Respondent no.4 challenged the said proceedings before this Court by filing Writ Petition No.8036/2021. Though initial stay was granted, the writ petition came to be disposed of by order dated 08.05.2024 directing respondent no.3 to decide the change report and a scheme application within a period of three months from the date of the order. The respondent no.4 then issued a letter to the Manager of the newspaper on 21.06.2024, thereby publishing an advertisement for filling up two posts of Shikshan Sevak. When this Court had restrained the administrator from taking any policy decision, yet the said advertisement was published. This shows the *malafides* and personal benefit on the part of the respondent no.4. Hence, this petition.

5. At the outset it can be seen from the pleadings itself that the matter is still pending before the Assistant Charity Commissioner in

respect of change report. As regards the advertisement is concerned, it would have been against the order passed by this Court i.e. Hon'ble Single Bench in Second Appeal No.580/2008. When the petitioner was at liberty to take a call under the Contempt of Courts Act, suddenly he cannot challenge an advertisement, that too in local newspaper by way of a writ petition invoking Article 226 of the Constitution of India. Another fact to be noted is that, though the petition appears to have been filed on 05.07.2024, till today, it was not even got for circulation and therefore, it cannot be stated that no further actions pursuant to the public notice would not have been taken. If they are already taken then the petition has been rendered infructuous by the passage of time.

6. We therefore, find that this is not a fit where we should exercise our powers under Article 226 of the Constitution of India. Hence, we dismiss the petition.

[NANDESH S. DESHPANDE, J.] [SMT. VIBHA KANKANWADI, J.]