IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2660 OF 2024
WITH
CIVIL APPLICATION NO. 4393 OF 2024

1. Sow. Jayshri w/o. Deepak Patil
Age 59 yrs., Occu. Business,
R/o. Vikas Nagar, Murud,
Tq. Dist. Latur.

2. Arvind s/o. Shivajirao Nade,
Age 57 yrs., Occu. Service,
R/o. Paru Nagar, Murud,
Tq. Dist. Latur.

3. Dhananjay s/o. Kishanrao Nade,
Age 56 yrs., Occu. Service,
R/o. Vikas Nagar, Murud,
Tq. Dist. Latur. ....Petitioners

Versus

1. Yashwantrao Manikrao Patil,
Age Major, Occu. Agriculture,

2. Harishchandra s/o. Vithalrao Mane,
Age Major, Occu. Agriculture,

3. Raosaheb s/o. Gyandeo Raut,
Age Major, Occu. Agriculture,

4. Balbhim s/o. Sambhaji Patade,
Age Major, Occu. Agriculture,

5. Vivek s/o. Prabhakarrao Pangal,
Age Major, Occu. Agriculture,

6. Adv. Vijay s/o. Yashwantrao Patil,
Age Major, Occu. Advocate,

7. Sachin s/o. Hariprasad Chandak,
Age Major, Occu. Agriculture,

8. Anil s/o. Harishchandra Mane,
Age 56 yrs., Occu. Agriculture,

9. Deepak s/o. Balbhim Patade,
Age 50 yrs., Occu. Agriculture,

10. Deepak s/o. Raosaheb Raut,
Age 65 yrs., Occu. Agriculture,

11. Rekha w/o. Balbhim Patade,
Age 40 yrs., Occu. Agriculture,

12. Suvarna w/o. Vivek Pangal,
Age 40 yrs., Occu. Agriculture,

13. Dilip s/o. Yashwantrao Pangal,
Age 62 yrs., Occu. Agriculture,

All R/o. Murud, Tq. Dist. Latur.

14. Heera Kashinath Shelke,
Age Major, Occu. Joint Charity
Commissioner, Nanded,
R/o. As above Jt. CC, Nanded. ....Respondents

Mr. P.M. Nagargoje, Advocate for petitioners.

Mr. S.S. Dande, AGP for State.

Mr. D.J. Chaudhari h/f. Mr. M.D. Shinde, Advocate for respondent No. 6.

Mr. V.D. Salunke, Advocate for respondent Nos. 7 to 10.

Mr. R.N. Dhorde, Sr. Advocate i/b. Mr. S.S. Dudhane, Advocate for respondent No. 14.

CORAM : ARUN R. PEDNEKER, J.
DATED : 04/10/2024

ORDER :

1) By the present writ petition, the petitioners challenge the order dated 20.2.2024 passed by the Deputy Charity Commissioner, Latur Region, Latur (hereinafter referred to as 'Dy.C.C.' for short) below Exh. 24 in Misc. Application No. 1138/2023 filed by the respondent Nos. 1 to 13, seeking directions to conduct the elections of the Managing Committee of the trust - Rural Education Society Murud, Dist. Latur.

2) Brief facts, leading to filing of the writ petition are noted below :-

Rural Education Society Murud, Taluka and District Latur is an educational trust, having its registration PTR No. F-7 (Latur) under Bombay Public Trusts Act as well as Societies Registration Act. Change Report (hereinafter referred to as 'C.R.' for short) No. 603/2016 was accepted for the period from 2016 to 2021 on 31.1.2017. During same period some vacancies arose for members, which were filled in by filing C.Rs. from time to time. Change Report Nos. 118/2021 and 200/2021 were filed before the Dy.C.C. for election to the term of 2021 to 2026. Both the C.Rs. were rejected by Dy.C.C. Latur vide orders dated 5.12.2023.

3) Appeal against the order of Dy.C.C. dated 5.12.2023 rejecting the above C.Rs. was filed and is pending before Joint Charity Commissioner (hereinafter referred to as 'Jt.C.C.' for short). Meanwhile Misc. Application No. 1038/2023 was filed by the 13 respondents/members before the Dy.C.C. praying therein to hold election to the trust in accordance with the earlier orders passed in the C.Rs. Notices were issued in Misc. Application No. 1038/2023 on 29.12.2023. Application was filed by the present petitioners under section 73-AA of the Maharashtra Public Trust Act for intervention in Misc. Application No. 1138/2023. Intervention application was allowed by Dy.C.C. vide order dated 12.2.2024 and liberty was granted to the petitioners to file their say/objections to the Misc. Application No. 1138/2023.

4) It is the case of the petitioners that the impugned order was passed on 20.2.2024 by the Dy.C.C. directing that elections of the trust be held

amongst the 16 members and as such, the impugned order is challenged in the present writ petition.

5) While this Court was hearing this writ petition, very serious allegations are levelled against Dy.C.C. (respondent No. 14 - Smt. Heera Kashinath Shelke) by the petitioners as to judicial impropriety which is noted in para 1 and 2 of the order dated 8.3.2024 passed by this Court. The same is reproduced as below :-

> "1. Since there are personal allegations against the officer, who has passed the impugned order, leave to add that officer as party-respondent.
>
> 2. The learned counsel for the petitioners submits that on 20.2.2024 the matter was listed at Sr. No. 60 for say of the petitioner. He has produced cause list of 20.2.2024 on record. 20.2.2024 was the last day of the officer, who passed the impugned order. The learned counsel for the petitioners submits that she had applied on 16.2.2024 to the State for reliving her from the duty as she is to join on promoted post at Nanded. On 20.2.2024 is her last day on duty and in second session she has been relieved from the job as Dy.C.C. so as to join her new posting as Dy.C.C. Nanded. The learned counsel also submits that there are various complaints filed against her."

6) In view of the fact that the personal allegations were made against the respondent No. 14/authority, she was permitted to made party respondent in the writ petition and notice was issued to her. She has filed two affidavits dated 10.4.2024 and 2.8.2024. At the outset, I would examine the allegations made against the authority, who has passed the impugned order. In para Nos. 6 to 9 of writ petition, it is stated as under :-

> "6. …..Naturally, after adding of present petitioners as party respondents in the proceedings, it was necessary on the part of respondents to add them as party respondents in

Misc. Application No. 1138/2023 as per the procedure and amended memo ought to have been placed on record before next date i.e. 20.02.2024.

7. On next date 20.02.2024 for hearing before Dy.C.C. Latur, the petitioners filed application stating that they received copy of Misc. Application on 16.02.2024 and Advocate has not received details instructions/information to prepare and file the say/objection. Even, the entire documents not received to Advocate and therefore time was sought for filing say. The said application rejected by learned Dy.C.C. on same day i.e. 20.02.2024. Copy of application dated 20.02.2024 filed by the petitioners in Misc. Application No. 1138/2023 is annexed herewith and marked as *EXHIBIT-C.*

8. As the application for filing say/objection was rejected the Advocate for petitioners, again filed application requesting the court to keep the matter for final arguments. It appears that, the Dy.C.C. Latur had passed order at 05.30 p.m. and directed the Advocate for petitioners to argue the matter today itself i.e. on 20.02.2024. The petitioners could not give documents and instructions to argue the matter within short span of time. Later on at 06.00 p.m. learned Dy.C.C. again passed order observing that the respondent/present petitioners not argued the matter, hence proceed for orders. Perusal of this order nowhere it reflects that, respondents' Advocate of org. applicants/respondents argued the matter and later on it kept for arguments of Advocate of present petitioners. The petitioners respectfully submit that, no arguments were canvassed by either of the parties after 05.30 p.m. on 20.02.2024. Copy of application dated 20.02.2024 with orders dated 20.02.2024 thereon passed by Dy.C.C. Latur Region Latur, is annexed herewith and marked as *EXHIBIT-D.*

9. The petitioners submit that, the Dy.C.C. H.K. Shelke was promoted and transferred to Nanded on 20.02.2024. Therefore, as per judicial propriety the learned Dy.C.C. ought not to have decided the above matter in haste without following proper procedure and without giving an opportunity of hearing to the petitioners' Advocate. The petitioners submit that, in haste the matter was decided within 03 dates when there were contentious issues in the matter and more specifically contention of petitioners about

> bogus signatures of some of the respondents on Misc. Application No. 1138/2023 filed on 15.12.2023. The learned Judge without hearing the parties in haste manner passed impugned order dated 20.02.2024. The petitioners respectfully submit that, the concerned Dy.C.C. was fully aware about her transfer on promotion before passing impugned of order dated 20.02.2024. The learned Judge on 20.02.2024 in second session was relieved from post of Dy.C.C. therefore it is highly unbelievable that after application of present petitioners dated 20.02.2024 for filing say/objection and its rejection at 06.00 p.m., the impugned order came to be dictated in open court after reliving the post by completing all the formalities of C.T.C. Copy of impugned order dated 20.02.2024 passed by Dy.C.C. Latur Region Latur below Exh. 24 in Misc. Application No. 1138/2023 is annexed herewith and marked as ***EXHIBIT-E.***

7) The allegations against Dy.C.C. is primarily that on 20.2.2024 the matter was fixed for say/objection of the petitioners which was rejected on the same day and since the application for filing of the objection/say was rejected, the advocate for the petitioners again filed application, requesting Dy.C.C. to keep the matter for final arguments. It is further submitted that the Dy.C.C. Latur had at 5.30 p.m. directed the advocate for the petitioners to argue the matter on the same day i.e. on 20.2.2024. As the petitioners could not collect the documents within short span of time, later on at 6.00 p.m. the Dy.C.C. again passed order that the advocate for the petitioners did not argue the matter and Dy.C.C. passed the impugned order.

8) It is stated by the petitioners that no parties argued after 5.30 p.m. on 20.02.2024. It was stated that on 20.2.2024 the matter was listed at Sr. No. 60 for say of the petitioner. He has produced cause list of 20.2.2024 on record and submitted the same day was the last day of the officer who passed the impugned order. The learned counsel further submitted that the

officer had applied on 16.2.2024 to the State for reliving her from the duty as officer to join on promoted/transferred post at Nanded. On 20.2.2024 being her last day on duty, in second session she has been relieved from the job as Dy.C.C. so as to join her new posting as Dy.C.C. Nanded. The learned counsel further submitted that there were various complaints against her.

9) Dy.C.C. filed her first reply affidavit on 10.4.2024 wherein she stated that she has been selected through MPSC on the post of DyC.C. in the year 2014 and she has been working diligently as Dy.C.C. She has stated in her affidavit that the dispute regarding membership and C.Rs. of the trust were pending before her in C.R. Nos. 118/2021 and 200/2021. Those were counter C.Rs. filed by both the parties. She has decided the C.Rs. on merit and both the C.Rs. were rejected by her order dated 5.12.2023 and while deciding the said C.Rs., she has already decided issue of membership and declared valid members of the said Trust. She has held that there are only 25 legal members of the said trust. She stated that it came to her knowledge while deciding Misc. Application No. 1138/2023 that out of 25 valid members, only 16 are alive members and out of 16 members, 13 members filed Misc. Application No. 1138/2023 on 15.12.2023. She has directed that elections of the trust be held from the valid members. She also stated that in the said application, there was intervention application filed by the present petitioners and she permitted the present petitioners to raise their objections. She stated that she had given them opportunity to intervene and their advocate to make submissions. She stated that inspite of giving sufficient opportunity to them, the petitioners were not cooperating and killing time. She stated that after granting third party

applicant dates of hearing lastly the matter was kept on 20.02.2024 at the request of advocate when he had orally submitted that he will file say and argue the matter on 20.02.2024. However, he did not follow the words and again sought time for filing say, which was rejected. Then he again made application and shown readiness for arguments. She submitted that she specifically passed order and permitted advocate to argue the matter on that day itself. However, inspite of calling him time and again, he did not come forward and intentionally remained absent and therefore, she proceeded to pass the order. She submitted that she had given ample fair opportunity to the third party applicants, still they did not avail the same and then she passed the impugned order.

10) She also denied the allegations that she passed impugned order when she was transferred and relieved in afternoon session on 20.2.2024. She submitted that no order of promotion/transfer was served on her from the office of Charity Commissioner Mumbai by post or even by mail on that day. She submitted that she was working as usual for whole day and passed order at 6.00 p.m. on that day. At that time she was not aware about transfer/promotion order as she was not served with order by any mode nor it was received to the office even on mail. She submitted that after reaching home, on whatsapp group, some colleague has sent the order on whatsapp group and then she came to know that promotion order was issued on the same day.

11) As regards consent taken of her for promotion on 16.2.2024, she submitted that she has shown her willingness and readiness for promotion,

however, she had not received any promotion order or relieving order till 20.2.2024. Thus, she submitted that the petitioners themselves have not argued the matter and later on blamed entirely on the officer for having passed the order and she has not committed any impropriety.

12) By order dated 22.7.2024, this Court had called confidential report from Jt.C.C. in respect of date of transfer and date of promotion of Dy.C.C. and so also hard disk of the computer was directed to be seized and placed before this Court. Pursuant thereto the hard disk was produced before this Court and it was directed to be verified by the Registrar (Computer Cell) of this Court. This Court by order 22.7.2024 also called report from the Deputy Registrar (Computer Cell) of this Court for ascertaining the time of typing of the impugned order. The said report is on record. The report indicates that the file was created on 20.2.2024 at 15:10:52 and modified on 20.2.2024 18:02:03.

13) The Dy.C.C. also filed one more affidavit on 2.8.2024 where she has stated that the State Government had issued order of promotion on 16.02.2024 which was received by the office of C.C. (Mumbai) on 16.2.2024. Office of the C.C. Mumai immediately sent letter on Whatsapp to Dy.C.C. Mrs. H.K. Shelke/respondent No. 14 seeking her willingness with regard to promotion on 16.2.2024 and she has submitted willingness to the promotion/transfer. However, order was not issued to her to joint the promotional/transferred post at Nanded till evening of 20.2.2024. The office of the C.C. Mumbai issued relieving order after 6.00 p.m. on 20.2.2024 and that the officer took charge from her on 21.2.2024.

14) Before I deal with the allegations made and render any finding on the alleged impropriety of Dy.C.C., it is necessary to briefly note the impugned order dated 20.2.2024 passed in Misc. Application No. 1138/2023. The Dy.C.C. in the impugned order has noted that C.R. Nos. 118/2021 and 200/2021 were rejected on 5.12.2023 and declared only 25 legal and valid members of the said trust and the names of those 25 members were quoted in the order. Out of the 25 members only 16 members are noted to be alive and as such, direction is issued to hold the election of the said trust from the valid members by the Inspector of their office.

15) The petitioners are in the management of the trust and their C.Rs. have been rejected by orders dated 5.12.2023. The said order is challenged before the appellate authority/Jt.C.C., however, there is no interim order passed by the appellate authority. As such, the only order that can be passed by the Dy.C.C. after rejection of the C.Rs. is to direct to hold the elections of the trust from amongst the valid members. Undoubtedly, intervention application of the petitioners, who had filed the C.R. is allowed. It was for the petitioners to obtain the interim relief, if any, from the appellate authority and produce it before the Dy.C.C. in the event they wanted to stall the election process of the trust. In absence of interim order by the appellate authority in favour of the petitioners, there can be no plausible defence against the directions to hold the election of the trust. The defence taken by the petitioners is that some of the applicants who have moved Misc. Application No. 1138/2023 have not singed the application is a moonshine defence as the application to hold the election can be filed even

by one of the member. The petitioners have no right to continue in the management of the trust as they have failed to obtain the interim order of stay from the appellate authority. It is to be noted that since the petitioners are in management of the trust, they are not interested in holding the election of the trust and they want to delay the proceeding as much as possible. Their intervention application is allowed on 12.2.2024 and the matter was fixed for say on 16.2.2024. However, they had not filed their say on 16.2.2024 and had sought time to file their say on 20.2.2024. On 20.2.2024 when the matter was listed again, they had not filed their say. As such, the Dy.C.C. was within her right to reject the prayer of adjournment made by the petitioners and proceeded ahead with the arguments of the respondents. After petitioners came to know about the order passed by the Dy.C.C., another application was moved at Exh. 23 by the petitioners. In the application it is contended as under :-

> "This application is submitted on behalf of non-applicants as under :-
>
> 1. That, the above matter is on todays board for say.
>
> 2. That, without hearing arguments of non-applicants, this Court passes judgment which is highly objectionable. The Court/authority hurriedly passed order without keeping matter for arguments of other side.
>
> Hence, prayed
>
> The application be allowed and matter be kept for arguments of respondents/non-applicants."

The Dy.C.C. has passed the following order on the application, which are as under :-

"O
Application is filed at 5.30 p.m. it is allowed with direction to argue matter today itself."

"O
Till 6.00 p.m. Respondent not argue in matter, hence, proceed for orders."

16) On perusal of orders at Exhs. 23, it appears that the Dy.C.C. has again permitted the petitioners to argue the matter at 5.30 p.m. and at 6.00 p.m. the matter was proceeded for orders as petitioners did not argue. This Court had directed enquiry as to the time when the impugned order was passed by Dy.C.C. and in pursuant to the direction of this Court, the hard disk of the computer was examined by the Registrar (Computer) of this Court and it was reported that the file in respect of impugned order dated 20.2.2024 was created on 20.2.2024 at 15:10:52 and modified on 20.2.2024 18:02:03. Thus, the stand of the Dy.C.C. that the orders were passed at 15.00 hrs. and 18.00 hrs. on the same day stands validated.

17) The learned counsel for the petitioners was aware that the Dy.C.C. had rejected his application for adjournment on 20.2.2024. He was fully aware that the matter was proceeded without his say and the order was passed on that date and as such, he moved another application praying therein to permit him to argue the matter. Notwithstanding the earlier order passed on 20.2.2024, another opportunity was given to the petitioners to argue the matter. The best that the petitioners could have done in such a situation was that he could have produced the order of the appellate authority granting stay to the order of Dy.C.C. rejecting the C.R. In absence of such an order from the appellate authority, the order passed by

the Dy.C.C. directing to hold election of the trust is mere consequential order to its earlier order dated 5.12.2023 rejecting the C.Rs. No substantial arguments can be canvassed by the petitioners in such a matter. All attempts have been made by the petitioners to stall the proceedings before Dy.C.C., but they failed. During the pendency of the matter before this Court the petitioners had taken undue advantage of the fact that respondent No. 14/Dy.C.C. was transferred on the very day. But the respondent was working on the relevant date i.e. on 20.2.2024 for the whole day and relieved on 21.2.2024. In view of the above, I hold that Dy.C.C. was perfectly within her right to pass the impugned order.

18) The petitioners have pointed out that the respondent/Dy.C.C. has acted in undue haste, however, it is to be noted that the petitioners have not filed their say on the two days i.e. on 16.2.2024 and 20.2.2024. The proceedings before the Dy.C.C. are not about the C.Rs. which were decided on 5.12.023. The present proceeding pending before the Dy.C.C. was purely consequential one and as such, there was nothing much that the petitioner could have done in the matter except challenging the orders of Dy.C.C. before the appellate authority. By raising a plea before this Court that the Judicial Officer (Dy.C.C.) has acted in improper way, the petitioners were successful in stalling the elections of the trust for the substantial period of time without obtaining any order on merits from the appellate authority/Jt.C.C.

19) Be that as it may. The impugned order passed by the Dy.C.C., directing to hold the election of the trust cannot be faulted. However, the

said impugned order would be subject to the orders passed by the Jt.C.C. in pending appeal. The petitioners themselves are responsible for not having filed say on 16.2.2024, so also on 20.2.2024 and not conducting the matter on that date. Thus, the Dy.C.C. was within its right to pass the impugned order. The petitioners having misused the fact that the Dy.C.C. was in the process of being transferred, at the same time and created a situation whereby the Dy.C.C. was called upon by this Court to give response to the submissions of judicial impropriety made against her.

20) The Hon'ble Supreme Court in the case of **Krishna Prasad Verma (D) Thr. LRs. Vs. State of Bihar and Ors. reported in AIR 2019 SC 4852 (MANU/1364/2019)** while dealing with allegations of judicial impropriety in para Nos. 6, 7 and 8 has observed as under :-

> "6. Thereafter, following the dicta laid down in Union of India and Ors. v. A.N. Saxena MANU/SC/0228/1992 : (1992) 3 SCC 124 and Union of India and Ors. v. K.K. Dhawan MANU/SC/0232/1993 : (1993) 2 SCC 56, this Court in P.C. Joshi v. State of U.P. and Ors. MANU/SC/0431/2001 : (2001) 6 SCC 491 held as follows:
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> > 7. In the present case, though elaborate enquiry has been conducted by the enquiry officer, there is hardly any material worth the name forthcoming except to scrutinize each one of the orders made by the Appellant on the judicial side to arrive at a different conclusion. That there was possibility on a given set of facts to arrive at a different conclusion is no ground to indict a judicial officer for taking one view and that too for alleged misconduct for that reason alone. The enquiry officer has not found any other material, which would reflect on his reputation or integrity or good faith or devotion to duty or that he has been actuated by any corrupt motive. At best he may say that the view taken by the Appellant is not proper or correct and not attribute any motive to

> him which is for extraneous consideration that he had acted in that manner. If in every case where an order of a subordinate court is found to be faulty a disciplinary action were to be initiated, the confidence of the subordinate judiciary will be shaken and the officers will be in constant fear of writing a judgment so as not to face a disciplinary enquiry and thus judicial officers cannot act independently or fearlessly. Indeed the words of caution are given in K.K. Dhawan case and A.N. Saxena case that merely because the order is wrong or the action taken could have been different does not warrant initiation of disciplinary proceedings against the judicial officer. In spite of such caution, it is unfortunate that the High Court has chosen to initiate disciplinary proceedings against the Appellant in this case.

7 . In Ramesh Chander Singh v. High Court of Allahabad and Anr. MANU/SC/1021/2007 : (2007) 4 SCC 247, a three-judge Bench of this Court, after considering the entire law on the subject, including the authorities referred to above, clearly disapproved the practice of initiating disciplinary proceedings against the officers of the district judiciary merely because the judgment/orders passed by them are wrong. It was held thus:

> 12. This Court on several occasions has disapproved the practice of initiation of disciplinary proceedings against officers of the subordinate judiciary merely because the judgments/orders passed by them are wrong. The appellate and revisional courts have been established and given powers to set aside such orders. The higher courts after hearing the appeal may modify or set aside erroneous judgments of the lower courts. While taking disciplinary action based on judicial orders, The High Court must take extra care and caution.
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> xxx xxx xxx
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> **17. In Zunjarrao Bhikaji Nagarkar v. Union of India this Court held that wrong exercise of jurisdiction by a quasi judicial authority or mistake of law or wrong interpretation of law cannot be the basis for initiating disciplinary proceeding. of course, if the judicial officer**

> conducted in a manner as would reflect on his reputation or integrity or good faith or there is a prima facie material to show recklessness or misconduct in discharge of his duties or he had acted in a manner to unduly favour a party or had passed an order actuated by corrupt motive, the High Court by virtue of its power Under Article 235 of the Constitution may exercise its supervisory jurisdiction. Nevertheless, under such circumstances it should be kept in mind that the Judges at all levels have to administer justice without fear or favour. Fearlessness and maintenance of judicial independence are very essential for an efficacious judicial system. Making adverse comments against subordinate judicial officers and subjecting them to severe disciplinary proceedings would ultimately harm the judicial system at the grassroot level.
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> 8 . No doubt, if any judicial officer conducts proceedings in a manner which would reflect on his reputation or integrity or there is prima facie material to show reckless misconduct on his part while discharging his duties, the High Court would be entitled to initiate disciplinary cases but such material should be evident from the orders and should also be placed on record during the course of disciplinary proceedings."

21) Keeping in mind, observations in the case of **Krishna Prasad Verma** cited supra, it is required to be noted that the judicial officer discharging the quasi-judicial authority has to act in a fearless manner which would reflect her reputation, integrity or good faith. The petitioners in the instant case has not proceeded with the matter on 16th and 20th February, 2024 for filing say, however, has quickly misused the fact that the respondent No. 14 was transferred from the said post apparently near about the same time, but illusion was created before this Court that the respondent No. 14 has acted malafied and with judicial impropriety for already being transferred from the post and Dy.C.C. and has proceeded to pass the impugned order, after the transfer order was served upon her and she having already given up charge

of the post. Impression was sought to be created before this Court that the Judge has acted malafide for extraneous consideration and was in undue haste to compete the proceedings for whatever reasons best known to her. However, after enquiry being conducted by this Court and on examining the record, it appears that the petitioners' allegations against respondent No. 14 are itself not bonafide. The petitioners have continued in position of management of the trust by virtue of illusion created before this Court and has waisted time of this Court by sending this Court on wild chase/enquiry into the judicial conduct of the respondent No. 14. Action of the petitioners need to be deprecated in this regard. In view of the above, I proceed to pass the following order :-

ORDER

(I) Writ Petition is dismissed. Civil applications, if any, also stand disposed of.

(II) Petitioners to pay actual cost incurred by respondent No. 14 – Dy.C.C./respondent No. 14. Respondent No. 14 to file a statement of expenditure incurred by her in defending the present proceedings before the Registrar (Judicial) of this Court within four weeks. Registrar (Judicial) of this Court to verify the cost incurred by respondent No. 14 after notice to the petitioners. The petitioners to pay actual cost determined by the Registrar (Judicial) within four weeks thereafter, failing which the Registrar (Judicial) to initiate appropriate proceedings to recover the same from the petitioners.

(III) In addition, the petitioners are directed to pay further cost of Rs.50,000/- to be deposited in this Court. Registrar Judicial is

directed to transfer amount of Rs.10,000/- to the High Court Bar Association, Aurangabad Bench and balance amount be paid in the State treasury.

(VI) Elections be held to the trust in terms of the directions issued by the Dy.C.C. in the impugned order. However, it is clarified that the election held would be subject to orders passed by the Jt. C.C. in the appeals filed against the rejection of change report Nos. 118 and 200/21.

[ARUN R. PEDNEKER J.]

The learned counsel for the petitioners pray for stay to the present order. The same is rejected.

[ARUN R. PEDNEKER J.]

SSC/