

(2026) 08 BOM CK 3471

In the Bombay High Court, Aurangabad Bench

Case No : FIRST APPEAL NO. 3054 OF 2025

Amit Suryabhan Ambre and Ors

APPELLANT

Vs

The Deputy Charity Commissioner and Ors

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Citation : 2026:BHC-AUG:33147

Hon'ble Judges : Abhay J. Mantri, J

Bench : Single Bench

Advocate : Mr. S. S. Dixit, Advocate for the Appellant; Mr. S. G. Sangale, AGP for the respondents/State; Mr. A. S. Salve, Advocate for the Respondent Nos. 2 to 9 and 11 to 15

Final Decision : Dismissed

Judgement

1. Heard. **Admit.** Heard finally, with the consent of the learned Advocates for the Appellants and the Respondents, at the admission stage. Perused the impugned order and record.

2. The Appellants being aggrieved by the order dated 05-08-2025 passed by the learned Deputy Charity Commissioner, Ahilyanagar Division, Ahilyanagar [for short '**the learned DCC**'] in Misc. Application No. 25/2025, thereby appointed Respondent Nos. 2 to 16 as trustees of the Ambika Mata Devasthan Trust, Ganore [for short '**the Trust**'], have preferred this Appeal.

3. The learned Advocate for the Appellants contends that the Appellants being eligible candidates are entitled to be appointed as Trustees of the Trust. However, the learned DCC, without following due procedure of law and without following the principle of natural justice, appointed fifteen persons, i.e. Respondent Nos. 2 to 16, as Trustees and did not appoint the Appellants as Trustees. The learned Advocate for the Appellants during the argument emphasised the following three points:

i] The learned DCC has not followed the procedure of law while appointing the

Trustees.

ii] The learned DCC has not followed the principle of natural justice and thereby erred in excluding the names of the Appellants from being appointed as Trustees.

iii] The learned DCC has not investigated in person nor applied its mind while appointing the Trustees and therefore, urged that the passing of the order by the learned DCC cannot be sustained in the eyes of law.

4. He has taken me through the scheme of the Trust, the attendance sheet, the application filed by the Appellants and the impugned order and submitted that the appointment of Respondent Nos. 2 to 16 as Trustees is without following due process of law. He further argued that one Navnath, who is appointed as a trustee, has not signed the application; that is, he has not applied for appointment as a Trustee, but the learned DCC appointed him as a Trustee. Based on some objections and without affording an opportunity, the names of the Appellants have been excluded from being appointed as Trustees. Therefore, he urged that the impugned order be set aside.

5. To buttress his submissions, he has placed reliance upon the following judgments:

(i) ***Chandrakant and Ors Vs Alka Sahani and Ors MANU/MH/1147/2021,***

(ii) ***Avinash Ganpatrao Shegaonkar and Ors Vs Jayawant and Ors MANU/MH/0295/2010,***

(iii) ***Prafullakumar Suresh Kuhite and Ors Vs Joint Charity Commissioner, Nagpur MANU/MH/3266/2019 &***

(iv) ***Vijay Gopalkrushna Patil and Ors Vs the Joint Charity Commissioner, Amravati MANU/MH/0507/2023.***

6. He drew my attention to para 21 and 43 of the judgment in *Chandrakant* (supra) and para 6 to 12 of the judgment in *Avinash*(supra). As such, he submitted that based on the dictum laid down in those judgments, the impugned order cannot be sustained in the eyes of law.

7. *Per contra*, the learned Advocate for the Respondents submitted that the order passed by the learned DCC is just and proper and no interference is warranted in it. In para 7 of the impugned order, the learned DCC has recorded that the objection filed against Chhaya and others has been withdrawn by the complainant, Dattatraya, and therefore the objection no longer remains. As such, he urged for dismissal of the Appeal.

8. Having heard the rival contention of the parties and having gone through the order as well as the record and judgments relied by the learned Advocate for the Appellants, the following points arise for determination:

(i) whether any interference is required in the impugned order?

9. On perusal of the impugned order and record, at the outset, it appears that on 13-03-2025 a scheme of the Trust has been approved. In clause-8 of the scheme, the eligibility criteria of the Trustee have been given, which reads as under:

अ. हिंदु धर्मातील वय वर्ष 25 पुर्ण असणारा व मौजे गणोरे ता. अकोले जि. अहिल्यानगर येथील रहिवासी असावा.

ब. त्याची देवस्थानवर श्रध्दा असावी व त्याची नैतीक वर्तणूक चांगली आसेल आणि संस्थेच्या कामाची आवड आसेल.

क. त्याच्यावर कोणताही गुन्हा दाखल आसू नये.

10. In clause-6, it is mentioned that the Board of Trustees shall consist of a minimum of 11 and a maximum of 15 Trustees to be appointed.

11. As per clause-9 of the scheme, the Trustee shall be appointed for a period of five years by the competent authority, i.e., the learned DCC. The learned DCC passed the order on 09-04-2025 directing publication of the notice. Pursuant to the said order, the notice was prepared on 15.04.2025 and published in Dainik Pudhari on 16-04-2025 and thereby called the applications of the persons interested to be appointed as a Trustee. Pursuant to the notice, 79 persons applied for interviews, and out of that, 76 candidates appeared for the interview. The learned DCC has taken the interview from 14-10-2025 to 17.10.2025. He has verified the character certificate issued by the police/authority and, after considering the eligibility criteria, the character report submitted by the police, objection received to it and eligibility of the candidates, whether he did any social or religious work and faith in the goddess, appointed fifteen Trustees, i.e. Respondent Nos. 2 to 16. Being dissatisfied with the same, the Appellants have preferred this Appeal.

12. Though the learned Advocate for the Appellants vehemently contended that the learned DCC had not conducted the enquiry nor followed the principle of natural justice and had not applied its mind while appointing the Trustees. However, he failed to point out how he had not conducted the enquiry, whether the procedure was specifically laid down in the scheme, and how the enquiry should be conducted. Secondly, he failed to explain how he applied the principle of natural justice. Merely making allegations is not sufficient. But the Appellants have to demonstrate the same by pointing out the material on record. But the Appellants failed to point out anything from the record. The only contention of the Appellants was that they were not given an opportunity to explain the complaint received against them. Further, it does not appear from the order that, on the basis of the complaint, the names of the Appellants were excluded from appointment as Trustees. But, on the contrary, it appears that the learned DCC has held interviews with 76 candidates and, after considering the character reports and eligibility, has assessed whether they are capable of acting as Trustees, whether they have religious or social work/ interests, and has then passed the order. Therefore, it cannot be said that the learned DCC has not applied its mind or not conducted the enquiry, or that, based on the complaint made by Dattatraya, the learned DCC excluded the names of the Appellants from

being appointed as Trustees. Undisputedly, the complainants, i.e. Dattatraya and Babasaheb, are neither Trustees nor parties to the proceeding. Thus, it appears that they are not interested persons, though one of them has applied for the post.

13. Apart from that, the learned Advocate for the Appellant failed to point out the extra qualification of the Appellants, for which they are claiming that they should have been appointed as they are eligible candidates as a Trustee. But he failed to point this out from the record. Therefore, in my view, mere making allegations that the learned DCC has not conducted the enquiry, nor followed the principle of natural justice or not applied its mind, is not sufficient. Therefore, I do not find illegality or perversity in the impugned order to warrant interference in the appellate jurisdiction.

14. Perused the judgments, on which the learned Advocate for the Appellants placed reliance. No doubt, as per dictum laid down in the said judgments, an enquiry has to be conducted, but in which manner the enquiry should be conducted is not given in it or in the scheme, and conducting interviews, verification of the character report submitted by the police and other facts can be termed as a part of an enquiry. Therefore, it cannot be said that the learned DCC had not conducted the enquiry. Therefore, in my view, the judgments relied by the learned Advocate for the appellants are hardly of any assistance in support of his submission.

15. Consequently, ***the Appeal being bereft of merits stands dismissed.*** No order as to costs.