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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5068 OF 2026

1. Shri. Vishnu Trimbak Warungase.
2. Shri. Dr. Rajendra Suresh Warade
3. Shri. Dilipkumar Dubalaji Deshmukh
4. Adv. Rahul Ashok Khutade
5. Dr. Kanchan Ramesh Desale

...Petitioners.

Vs.

1. The State of Maharashtra
2. High Court of Judicature at Bombay,
Appellate Side.
3. The Ld. Principal District & Sessions
Judge, Nashik & The Chairman of the Trust
Shree Saptashrung Nivasini Devi,
Saptashrung Gad, Nashik.
4. Smt. Anju Shende, Special Officer to the
Hon'ble Chief Justice, Bombay High Court,
presently serving as District Judge, Pune.

...Respondents.

Mr. A.Y. Sakhare, Senior Advocate i/b. Mr. Rameshwar Gite a/w. Mr. Pravin Thorat, Ms. Tejaswini Pathave for the petitioners.
Mr. Milind Sathe, Advocate General a/w. Ms. N.S. Bhide, GP, Mr. O.A. Chandurkar, Addl. GP, Ms. G.R. Raghuwanshi, AGP for the State.
Mr. R.S. Datar for respondent nos. 2 and 3.
Mr. Sharan Jagtiani, Senior Advocate i/b. Mr. Nikhil Adkine for respondent no. 4.

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.
DATE: 29 OCTOBER 2026

Judgment (Per G.S. Kulkarni, J.)

1. The present case is quite peculiar. The petitioners, who participated in the selection process for appointment as Trustees of "Shree Saptashrung Nivasini

Devi, Saptashrung Gad, Nashik”, a charitable public trust [for short “**the Trust**”] challenge the legality, validity and propriety of the communication dated 14 March, 2026 issued by respondent no. 4, who was, at the relevant time, the Special Officer to the Hon’ble the Chief Justice of the Bombay High Court. By the impugned communication, the learned Principal District and Sessions Judge, Nashik, who is the ex-officio Chairman of the Trust under the Trust Deed, was informed that the then Hon’ble the Chief Justice of the Bombay High Court has directed that the list of recommended Trustees of the Trust, dated 12 March, 2026 and published by the learned Principal District and Sessions Judge, Nashik, be withdrawn from the website and kept on hold until further directions, as also necessary steps be taken to ensure compliance with the directions at the earliest.

2. Acting upon the impugned communication as made by the Special Officer to the Hon’ble the Chief Justice/respondent no. 4, the learned Principal District and Sessions Judge, Nashik, passed an order on the same date, i.e., 14 March, 2026, *inter alia*, recording that, pursuant to the directions received from the High Court, the list of selected candidates published on the website has been withdrawn and would remain so, until further orders were received from the High Court. The petitioners, whose names figured in the list of selected Trustees published on the website, have accordingly challenged the communication issued by the Special Officer to the Hon’ble the Chief Justice/respondent No. 4, as well as the consequential order passed by the learned Principal District and Sessions Judge, Nashik.

3. The principal contention of the petitioners is that the impugned communication issued by the Special Officer to the Hon'ble the Chief Justice/respondent no. 4, is wholly without jurisdiction and illegal. They also challenge the correctness of the contents in paragraph 1 of the impugned communication. It is contended that also there is no basis, whatsoever in law, insofar as the directions as contained in paragraph 2 of the impugned communication are concerned.

4. The contentions advanced by Mr. Sakhare, learned senior counsel on behalf of the petitioners are two-fold. **Firstly**, he submits that, under the provisions of the Maharashtra Public Trust Act, 1950, read with the Trust Deed and the scheme governing the Trust, which were being acted upon by the Principal District and Sessions Judge, Nashik in the capacity as the ex-officio Chairman of the said trust, no jurisdiction is conferred on the Hon'ble the Chief Justice to take any such decision which has been set out in paragraph 2 of the impugned communication. According to Mr. Sakhare, the attribution as made by the Special Officer to the Hon'ble The Chief Justice – Respondent No.4 that this decision is taken by the then Hon'ble the Chief Justice as reflected in paragraph 2 of the impugned communication would not find any support under the provisions of the Maharashtra Public Trust Act, 1950 or even otherwise.

5. Mr. Sakhare has drawn our attention to the entire selection process, which culminated in the final list of the Trustees being published on 12 March, 2026, after a detailed procedure being lawfully undertaken by the learned District and

Sessions Judge, Nashik in his capacity as the ex-officio Chairman of the Trust. In this regard, he submitted that, on 19 September, 2025, the Administrative Officer of the District and Sessions Court, Nashik, had published a public notice/advertisement, thereby declaring the process for appointment of Trustees of the said Trust. Pursuant to the said public notice, the Administrative Officer of the District and Sessions Court, Nashik received about 625 applications for the said posts. The applications were scrutinized and a public notice containing particulars of the selected and rejected applications of the candidates was declared on 17 February, 2026. It is further submitted that, on 20 February, 2026, after the publication of the list of selected candidates, the Administrative Officer published the scheduled slots for interview from 4 March, 2026 to 11 March, 2026. It is stated that 12 March, 2026 was kept reserved for the interview and final selection of five candidates for appointment as Trustees of the said Trust. Mr. Sakhare submits that it was at this juncture that the impugned communication came to be addressed by the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 to the Principal District and Sessions Judge, Nashik on 14 March, 2026 at 12:10:15 pm. It would be necessary to note the impugned communication, which reads thus:

“

Registrar Principal Secretary To Chief Justice < rgpstocj-bhc@nic.in >
Sat, 14 Mar 2026 12:10:15 PM +0530

To: DC NASHIK COURT"<mahnasdc@mhstate.nic.in

14th March,2026.

To,
The Principal District & Sessions Judge,
Nashik.

Sub: List of Trustees

Sir,

As per the Ordinance promulgated on 01.09.2025 by the State of Maharashtra and the date of effect is not given, therefore, you were under obligation to consult the Hon'ble High Court before proceeding in the matter, but you have failed to do so.

In pursuance to the telephonic talk at the discretion of the Hon'ble the Chief Justice of the Bombay High Court, it is hereby conveyed that the list of recommended trustees of Shree Saptashruni Niwasini Devi Trust, Saptashrung Gad, Taluka Kalwan, District Nashik, dated 12.03.2026 published by your office must be withdrawn from website and kept on hold until further directions.

You are, therefore, requested to take necessary steps accordingly and ensue compliance at the earliest.

Yours truly,

(Anju Shende)
Special Officer to the
Hon'ble the Chief Justice
Bombay High Court"

(emphasis supplied)

6. Pursuant to the aforesaid communication issued by the Special Officer to the Hon'ble the Chief Justice/respondent no. 4, the learned Principal District and Sessions Judge, Nashik on the same day, immediately withdrew the list of selected candidates from the website and stayed further proceedings. The said order is required to be noted, which reads thus:

(Translation of a photocopy of an order typewritten in Marathi)

District and Sessions Court, Nashik

References : 1. Decision dated 12.03.2026 on the appointment of trustees for Shri Saptashruni Nivasini Devi Trust, Saptashrungagad, Taluka Kalwan, District Nashik.
2. Message dated 14.03.2026 received from the Hon'ble High Court.

ORDER

Order No.: P.D.J./ PA / 177 / 2026 Date: 14.03.2026

In view of the E-mail received from the Hon'ble High Court, Mumbai, referred to hereinabove at Sr. No. 2, the Principal District and Sessions Judge, Nashik, hereby issues the modified order as under :-

The list regarding the selection of trustees published on the Websites of the District Court, Nashik, and Shri Saptashrungi Nivasini Devi Trust, Saptashrungagad, Taluka Kalwan, District Nashik, as per Reference No. 1 above, is hereby withdrawn from the said Websites and stands stayed until further directions from the Hon'ble High Court.

All Offices concerned should take note of the same.

(Srichand D. Jagamlani)
Principal District & Sessions Judge,
Nashik

7. Being aggrieved by such actions as taken by the Special Officer to the Hon'ble the Chief Justice/respondent no. 4, the present petition came to be filed on 1 April, 2026. The proceedings were moved before the co-ordinate Bench of this Court on 17 April, 2026 (Coram : Shree Chandrashekhar, CJ (as His Lordship then was) and Shyam C. Chandak, J.), when the said Division Bench was pleased to pass the following order:

- "1. This writ petition impleads one of us (Chief Justice) as a party respondent.
2. Let the matter be posted before a Bench headed by Hon'ble Justice Ravindra V. Ghuge at 3:00 p.m. today, i.e. 17 th April 2026."

8. Thereafter, on 17 April, 2026, a co-ordinate Bench of this Court (Coram: Ravindra V. Ghuge (as His Lordship then was) and Hiten S. Venegavkar, JJ.) issued notice on the present proceedings, when the following order was passed:

1. The order dated 17/04/2026 passed by the First Court, reads as under:
 - "1. This writ petition impleads one of us (Chief Justice) as a party respondent.
 2. Let the matter be posted before a Bench headed by Hon'ble Justice Ravindra V. Ghuge at 3:00 p.m. today, i.e. 17th April 2026."
2. This matter has been placed on the Production Board of this Court in

the light of the above order. We have briefly heard the learned Senior Advocate on behalf of the Petitioners.

3. On instructions, the Petitioners desire to delete Respondent No.2 and modify the description of Respondent No.4.

4. Leave granted. Deletion to be carried out forthwith. Correction be carried out to indicate Respondent Nos.3 and 4, renumbered as Respondent Nos.2 and 3. Correction in the description of Respondent No.3 (earlier Respondent No.4) be carried out forthwith.

5. Re-verification is dispensed with.

6. Issue notice to the Respondents, returnable on 12/06/2026 at 03:00 p.m.

7. **Ms. Bhide, the learned Government Pleader waives service of notice on behalf of Respondent No.1-State and Mr. Datar, the learned Advocate waives service of notice on behalf of Respondent Nos.2 and 3.**

8. **The Respondents shall ensure that the affidavits in reply are filed on or before 02/05/2026 and copies are served on the colleague Advocates. Rejoinder affidavit, if any, can be filed even in vacation on or before 21/05/2026. Thereafter, the Petitioners would carry out corrections in the pagination, if there is any discrepancy after the filing of the affidavits of the Respondents and arrange the pagination by listing the affidavits date-wise, in continuation with the Petition Paper-Book. This exercise be completed until 03/06/2026.**

9. Parties to note that if time permits, this matter would be heard finally on the returnable date.

10. **For the present, we are not granting any interim relief to the present Petitioners. This would be an issue to be considered only after the pleadings are complete and the above exercise is done.**

11. We are informed that another Writ Petition (ST) No.10652 of 2026 has been filed, which is co-related to the subject before us in this Petition. On request of the learned Advocate for the Petitioner, list the said Writ Petition (ST) No.10652 of 2026, along with this Petition, on 12.06.2026.

12. The learned Advocates appearing for the present Petitioners and the Respondents, waive service of notice on behalf of the Respondents in Writ Petition (ST) No.10652 of 2026.”

(emphasis supplied)

9. Thereafter, the proceedings were listed before the First Bench of this Court on 9 September, 2026 when accepting the request as made by Mr. Datar, learned counsel for respondent nos. 2 and 3, that reply affidavit was under preparation,

which would be filed within a week's time, following order was passed adjourning the proceedings to 30 September, 2026:

“1. Mr. Datar, the learned counsel for Respondent Nos.2 and 3 submits that the affidavit-in-reply is under preparation, which is likely to be filed within a week's time. Rejoinder-affidavit, if any, may be filed within one week thereafter.

2. List the Petitions on 30th September, 2026 at 3.00 p.m.

10. The First Bench of this Court thereafter passed an order on 30 September, 2026 adjourning the proceedings to 9 October, 2026 to be heard at 3 p.m. On 9 October, 2026, the First Bench again passed an order directing the Registry to place the proceedings before the then Hon'ble the Chief Justice on the Administrative Side. On the Administrative Side, an order was passed by the then Hon'ble the Chief Justice assigning the proceedings to be heard by this Bench.

11. On the aforesaid premise, we accordingly heard learned counsel for the parties on 19 October, 2026. Considering the submissions as advanced at the Bar and the nature of the issues as involved, an order was passed by the Court that the author of the impugned communication dated 14 March, 2026, i.e., the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 was required to be impleaded as a party respondent. Hence, leave to amend the petition was granted to the petitioners to amend the petition so as to implead Special Officer to the Hon'ble the Chief Justice/respondent no. 4 as party respondent. Accordingly, Special Officer to the Hon'ble the Chief Justice/respondent no. 4 was impleaded. Also, reply affidavit dated 22 October, 2026 has been filed by respondent no. 4.

12. On 27 October, 2026, we had heard learned counsel for the parties when we passed an order recording the respective contentions as urged on behalf of the parties on the basis of the pleadings. The Court noted that the entire procedure which was followed in selecting the trustees to be appointed, as also the position as taken on behalf of the High Court in the affidavit filed by Mr. S.P. Naik-Nimbalkar, Registrar (Legal & Research), High Court, Bombay, confirming the position in paragraphs 9 and 10 of the affidavit, that the provision of Section 50B of the Maharashtra Public Trusts Act as sought to be incorporated in terms of Section 5 of the Ordinance No. VII of 2025, at the relevant time was not notified, and for such reason, there was no question of the said provision being acted upon. The Court also noted the contentions as urged on behalf of the petitioners by Mr. Sakhare that the impugned communication dated 14 March, 2026 issued by Special Officer to the Hon'ble the Chief Justice/respondent no. 4 could not have been addressed, which had a very serious effect on the lawful procedure being adopted by the Trust. Also, it was the petitioner's case that it was not possible to accept, that the then Hon'ble the Chief Justice could at all direct the Special Officer to the Hon'ble The Chief Justice-respondent No.4 to address a communication, of the nature as made, so as to issue such mandatory directions. Mr. Sakhare had further submitted that the then Hon'ble The Chief Justice would not exercise any jurisdiction on the administrative side and that too when the amended provision of Section 50B itself was not notified and respondent No.4 had acted totally without any jurisdiction.

13. What is pertinent to note is that the Court while recording *prima facie*

observations, had also taken into consideration the affidavit filed by Mr. S.P. Naik-Nimbalkar, Registrar (Legal & Research) on behalf of the High Court, when it was observed that in the absence of any material, it was difficult to believe that the then Hon'ble the Chief Justice could have issued any directions on such issue, in regard to which the administrative jurisdiction of the Hon'ble the Chief Justice was not attracted. The Court observed that as per the established practice followed by the officers of the Registry, including the officers who are forming part of the Secretariat of the Hon'ble The Chief Justice, for obtaining any orders, an office submission is required to be placed before the Hon'ble the Chief Justice or the Committee Judges, and only when such submission is duly approved, necessary orders can be communicated to either District Judges or to whomsoever they are to be addressed, and to this effect, no material was placed on record. The Court accordingly observed that *prima facie* it was found that the impugned communication as asserted on behalf of the petitioners, appeared to have been issued for reasons which cannot be justified in law as also without following the lawful procedure. Accordingly, accepting the request as made, to enable respondent No.4 to be represented independently by an Advocate, the proceedings were adjourned for today. It is necessary to note the Court's order dated 27 October, 2026, which read thus:

“1. By our earlier order, we had directed that the author of the impugned communication dated 17 March 2026 (Exhibit F, page 81) be impleaded as a party to the present proceedings. Accordingly, the petition was amended and Respondent No.4 came to be impleaded in the present proceedings.

2. Considering the contents of the impugned communication, the same was required to be justified by respondent no.4. Having regard to the nature of the contentions as urged in the memo of the petition and the submissions as urged by Mr. Sakhare, learned Senior Counsel for the petitioners, Mr. Datar, learned

Counsel appearing for the respondent Nos.2 and 3, has fairly stated that an independent Advocate needs to represent respondent No.4. This, more particularly, when respondent No.4 has already placed on record her affidavit dated 22 October 2026. We accept the request made by Mr. Datar, that respondent No.4 be permitted to be represented by an independent Advocate on the adjourned date of hearing.

3. Mr. Sakhare referring to the impugned communication and the affidavit filed by respondent No.4, has submitted that the impugned communication issued by respondent No.4 in her capacity as Special Officer to the then Hon'ble The Chief Justice of the Bombay High Court, is *ex facie* illegal on several counts. According to Mr. Sakhare, the affidavit filed by respondent No.4 cannot be accepted considering the contentions as raised by respondent No.4 to justify the impugned communication, by attributing her action to the so called instructions, she claims to have received from the then Hon'ble the Chief Justice. Mr. Sakhare submits that the tenor of the affidavit suggests to place the entire responsibility of her actions at the doorstep of the then Hon'ble The Chief Justice does not augur well in the facts of the case. We *prima facie* find substance in such contention of Mr. Sakhare.

4. From what is urged by Mr. Sakhare, there appear to be two issues which arise for our consideration. Firstly, what would be the authority/jurisdiction of the Special Officer to the Hon'ble The Chief Justice, to address such communication when respondent No.4 has made the following statements in the reply affidavit:

"06. It is a matter of record that on 14.03.2026, as per the directions of the Hon'ble the then Chief Justice, it has been officially conveyed to the Principal District Judge, Nashik that as per the Ordinance promulgated on 01.09.2025 by the State of Maharashtra and the date of effect was not given therefore, he was under obligation to consult the Hon'ble High Court before Proceeding in the matter, but he failed to do so. In pursuance to the telephonic talk at the direction of the Hon'ble the then Chief Justice of the Bombay High Court, it was conveyed that the list of recommended trustees of Shree SaptashrungiNiwasini Devi Trust, Saptashrung Gad, Taluka Kalwan, District Nashik, dated 12.03.2026 published by the office of the Principal District and Session Judge, Nashik must be withdrawn from website and kept on hold until further directions. It was, therefore, requested to take necessary steps accordingly and ensure compliance at the earliest.

07. I say and submit that the impugned communication was drafted as per the directions of the Hon'ble the then Chief Justice. The draft was placed before the Hon'ble the then Chief Justice and His Lordships' has finalised the same. I crave leave of this Hon'ble Court to call for the records in this regard from the office of the Hon'ble Chief Justice, if deem fit. Thereafter, the said communication was sent through email rgpstocj- bhc@nic.in."

(emphasis supplied)

5. This more particularly, considering that the "Shree Saptashrung Nivasini Devi, Saptashrung Gad, Nashik" (for short '**the Trust**') is governed by the Trust deed and the bye-laws as framed. The District Judge is *ex officio* Chairman of the Trust. The issue pertained to the process of appointment of the trustees of the Trust.

6. It is the petitioners' case that on 19 September 2025 the Administrative Officer of the District and Sessions Court, Nashik had published a public notice / advertisement, thereby declaring the process for appointment of trustees of the said Trust. Pursuant to the said public notice, the administration of the District and Sessions Court received about 625 applications. On scrutiny of the said applications, a public notice alongwith the particulars of selected and rejected applications of the candidates was declared on 17 February 2026. Thereafter, on 20 February 2026 after the publication of the list of selected candidates, the Administrative Officer published the scheduled slots for interview from 4 March 2026 to 11 March 2026. It is stated that 12 March 2026 was kept reserved for interview and final selection of five candidates on the post of Trustees of the said Trust. It is the petitioners' case that after completion of the due process of selection, the constituting Committee comprising of the Chairman of the Trust i.e. the learned District-8 & Additional Sessions Judge, Nashik, recommended the names of the present petitioners for the post of the trustees of the said Trust and for the same, approval was also sought from the Charity Commissioner. It is at this juncture, after the publication of the list of recommended Trustees, on 14 March 2026, the Special Officer to the Hon'ble The Chief Justice, issued the following communication with the subject of the letter being "List of Trustees" addressed to the Principal District and Sessions Judge, Nashik, the contents of which are self explanatory. The impugned communication is required to be noted which reads thus:

.....

7. The case of the petitioner is that in fact the process in question for selection of the trustees was adopted as per the law which was prevailing at the relevant time. It is his submission that merely on an assumption that there was proposed amendment to the Maharashtra Public Trusts Act, by incorporation of Section 50B which *inter alia* provided that "*any reference to the Civil Court or Civil Judge, District Court or District Judge, in any instrument of trust, scheme, order or decree of any Court made or passed, whether before or after the date of the application of the Act to any public trust having jurisdiction, power or authority, to frame or modify a scheme for any public trust, or to act as or discharge the functions of the President or Chairman or trustee or office bearer of any public trust, or to appoint any trustee or trustees of any public trust, shall be construed as reference to the Charity Commissioner and he shall accordingly exercise the jurisdiction, powers and authority*", the impugned communication would not have been issued when such provision was not brought into force at the relevant time.

8. It is not in dispute that when the process of appointing trustees commenced on the issuance of advertisement dated 19 September 2025 and further procedure being incorporated till the publication of list on 20 February 2026, the said provision was not brought into force. In this context, even the reply affidavit filed on behalf of respondent No.2 of Shri. S. P. Naik-Nimbalkar, Registrar (Legal & Research), High Court, Bombay, confirmed this position, when his reply affidavit specifically states that as on 12 March 2026 when list of recommended trustees was notified, the State Government has not issued any notification appointing the trustees as per the amended Act, and accordingly, as on the said date i.e. on 12 March 2026 the power to appoint the trustees under Clause 10(3) of the said Scheme continued to vest with the District Judge, thereby inferring that the procedure which was adopted at the relevant time was in consonance with law and was not dependent on the provisions of Section 50B which was yet to be notified. The relevant extracts of the said affidavit is required

to be noted which read thus:-

“9. I say and submit that the Maharashtra Public Trusts (Amendment) Ordinance, 2025 (Mah. Ord. VII of 2025), was promulgated on 01.09.2025 and published in the Maharashtra Government Gazette. By Section 5 of the said Ordinance, a new Section 50B came to be inserted into the Maharashtra Public Trusts Act, 1950 (XXIX of 1950). Section 50B provides that any reference to the Civil Court or Civil Judge, District Court, or District Judge, in any instrument of trust, scheme, order or decree of any Court, conferring jurisdiction, power or authority, inter alia, appoint any trustee or trustees of any public trust, shall be construed as a reference to the Charity Commissioner, who shall accordingly exercise such jurisdiction, powers and authority.

10. I say and submit that Section 1(2) (b) of the said Ordinance expressly provides that Section 5 of the Ordinance, whereby Section 50B came to be inserted shall come into force on such date as the State Government may by notification published in the Official Gazette, appoint. I say that as on 12.03.2026, when the selection process was concluded, the State Government had not issued any notification appointing the date of commencement of Section 5. I say that accordingly, as on the said date, the power to appoint trustees under Clause 10(3) of the said Scheme continued to vest with the District Judge. I say that prior to undertaking the process for appointment of new trustees, official correspondence vide letter bearing Outward No.PDJ/PA/534/ 2025 dated 15.10.2025 was addressed to the office of the Joint Charity Commissioner, Nashik, seeking its opinion regarding commencement of the process by the Principal District & Sessions Judge, Nashik. By letter bearing Outward No.46/2025 dated 03.11.2025, the Joint Charity Commissioner, Nashik informed that the office of the Joint Charity Commissioner, Nashik had not received any communication from the State Government regarding issuance of notification bringing Section 5 of the Amendment Act into force. I say that thereafter, the process of appointment of new trustees was undertaken and completed.

... ..

14. I say and submit that the Maharashtra Public Trusts (Amendment) Ordinance, 2025 (Mah. Ord. VII of 2025), promulgated on 01.09.2025, inserted Section 50B into the Maharashtra Public Trusts Act, 1950 by virtue of Section 5 thereof. Section 50B provides that any reference to the District Judge in any instrument of trust or scheme, conferring authority to appoint trustees, shall be construed as a reference to the Charity Commissioner. However, as on 12.03.2026, the date of commencement of Section 5 of the Ordinance had not been notified.”

9. It is the petitioners’ contention that if the aforesaid was the clear legal position, then certainly on 14 March 2026, respondent No.4 - the Special Officer to the Hon’ble The Chief Justice could not have addressed the impugned communication which had a very serious effect on the lawful procedure being adopted.

10. It is also the petitioners’ contention that it is not possible to accept that the

then Hon'ble The Chief Justice could at all direct the Special Officer to the Hon'ble The Chief Justice to address a communication of the nature in which it is made, so as to issue such mandatory directions. It is the petitioners' case that the then Hon'ble The Chief Justice would not exercise any jurisdiction on the administrative side and that too when the amended provision of Section 50B itself was not notified, hence, according to the petitioners, respondent No.4 had acted totally without jurisdiction and more particularly when the law does not empower issuance of administrative directions to stay the appointment of trustees, carried out by the Competent Authority in exercise of statutory power and more particularly, when the District Judge was exercising powers under the bye-law, scheme / deed of Trust and under the provisions of law as applicable and completely within the jurisdiction the law would confer. It is also contended by the petitioners that there is no provision in the Maharashtra Public Trusts Act, 1950 or under the constitution of Trust which requires the Principal District Judge to approach the High Court before appointing of trustees and hence, the basis of the impugned communication is contrary to law.

11. Thus, as asserted on behalf of the petitioners, the circumstances in which respondent No. 4 addressed the impugned communication which is as good as a "judicial direction" to stay the entire process of selection being lawfully undertaken, in the name of the then Hon'ble The Chief Justice, and whether at all the then Hon'ble The Chief Justice, in the manner the machinery on the administrative side functions is the concern being raised by the petitioners. This more particularly when the affidavit filed by respondent No.4 seeks to attribute everything to the directions received by respondent No.4 from the then Hon'ble The Chief Justice.

12. *Prima facie*, considering the affidavit filed by Shri. S. P. Naik-Nimbalkar (Registrar Legal & Research) on behalf of the High Court, in the absence of any material, it is difficult to believe that the then Hon'ble The Chief Justice could have issued directions on an issue on which administrative jurisdiction of the Hon'ble The Chief Justice is not attracted. As per the established practice followed by the officers of the Registry, including the officers who are forming part of the Secretariat of the Hon'ble The Chief Justice, for obtaining any orders, an office submission is required to be placed before the then Hon'ble The Chief Justice or the Committee Judges, which when are duly approved, only then necessary orders can be communicated to either District Judges or to whomsoever they are to be addressed, no such material is placed on record.

13. In these circumstances, *prima facie* we find that the impugned communication as asserted on behalf of the petitioner, appears to have been issued, for reasons which cannot be justified in law as also without following the lawful procedure.

14. Be that as it may, as respondent No.4 would now be represented by a learned Counsel, we shall proceed to hear the parties on the adjourned date of hearing. As requested by Mr. Datar, learned Counsel for respondent No.2, we adjourn the proceedings to **29 October 2026**. To be listed on the Supplementary Board."

(emphasis supplied)

14. It is on such conspectus, the proceedings are listed before this Court today.

We have heard Mr. Sakhare, learned senior counsel for the petitioners, Mr. Datar, learned counsel for respondent no. 2 and 3 and Mr. Jagtiani, learned senior counsel for respondent no. 4.

15. Mr. Sakhare has contended that the impugned communication as addressed by the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 is wholly without jurisdiction, perverse and illegal. He has reiterated the submissions which we have recorded in our earlier order (supra) to contend that the impugned communication could not have been issued by Special Officer to the Hon'ble the Chief Justice/respondent no. 4, also drawing our attention to the grounds which are raised by the petitioners in the memo of the petition, and ex-facie, in the absence of the respondents demonstrating before the Court that such jurisdiction was at all available with the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 to issue the impugned communication and that too at the behest of the Hon'ble the Chief Justice of the Bombay High Court on the administrative side. It is his submission that the Trust is governed under the duly framed bye-laws, which govern and regulate the management and administrative schemes for the said Trust, as framed in Trust Suit No. 01 of 1965 in the case of **The Charity Commissioner vs. Shri Bhope & Ors.** passed by the learned District Judge, Nashik, presided over by Mr. M.R. Waikar. It is hence his submission that the procedure as prescribed under Clause 7 and Clause 10 of the Scheme of the Trust, which concerns 'the Mode of Appointment of Trustees' was followed by issuance of a public notice by the Administrative Officer of the District and Sessions Court by an order dated 19 September, 2025. It is, therefore, his

submission that in the event of any dispute in regard to the selection process and for that matter for any one, who intended to raise any dispute in regard to the selection process, albeit, according to him, there was no such person being aggrieved at least on record, the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 could never have issued the impugned communication by referring the so-called directions, stated to be oral directions, as contained in paragraph 2 of the impugned communication. It is submitted that if any person had any issue in regard to the said selection process, such issue could have been agitated only in the manner known to law, i.e., as per the provisions of Maharashtra Public Trusts Act and the jurisdictional authority in that regard would be the Charity Commissioner-State of Maharashtra. Mr. Sakhare submits that there is no provision in the Maharashtra Public Trusts Act, 1950 which in any manner concerns the High Court, much less the Hon'ble the Chief Justice or even the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 to issue the impugned communication on the administrative side of the High Court. It is his submission that the impugned communication for such reason is wholly without any authority in law, without any basis, void and illegal.

16. Mr. Datar, learned counsel for respondent nos. 2 and 3 has fairly placed reliance on the reply affidavit filed by Mr. S.P. Naik-Nimbalkar, Registrar (Legal & Research) on behalf of the High Court, who has confirmed in paragraph no. 4 that the Trust is governed by a scheme framed by the District Court, Nashik in Trust Suit No. 1 of 1965 in the matter of **Charity Commissioner vs. Shri Bhope & Ors.** and that Clause 10 of the said scheme stipulates that the Trust is required to

be administered by a Board consisting of seven trustees. The affidavit filed on behalf of the High Court has also confirmed that the procedure was set into motion for selection of trustees by issuance of public advertisement on 19 September, 2025 and steps were taken by the learned District and Sessions Judge in that regard. It is also stated that in pursuance of the impugned communication dated 14 March, 2026, the Principal District and Sessions Judge, Nashik has stayed further process and withdrawn the names of the selected trustees from the website. The reply affidavit also states that on the day the impugned communication was issued, Section 50B, as contained in Section 5 of the Amendment Act was not notified. The consequence being that on the day the impugned communication was issued, Section 50B proposed to be incorporated was not in existence. The affidavit has reiterated what is stated in paragraph 1 of the impugned communication dated 14 March, 2026 by the Special Officer to the Hon'ble the Chief Justice/respondent no. 4.

17. On a reading of the affidavit filed by Mr. S.P. Naik-Nimbalkar, Registrar (Legal & Research), we do not appreciate as to why the affiant delves on some issues, which are totally alien to the issue in hand and concerning the selection process of the trustees, which had almost attained finality, more particularly, when the impugned decision was issued by the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 being purportedly taken by the then Hon'ble the Chief Justice on the administrative side. The affidavit overlooks that there is no lis between respondent no. 2 and the trust or for that matter with the petitioners. Be that as it may, the relevant contents of the affidavit are required to be noted, which

read thus:

“4. I say and submit that the relevant facts of the matter can be stated in brief as under:

Shri Saptashruni Nivasini Devi Trust, Saptashruni Gad, Taluka Kalwan, District Nashik, is a registered Public Religious Trust bearing P.T.R. No. A-469 (Nashik) with the office of the Charity Commissioner, Public Trust Office, Pune Region. I say that the said Trust is governed by a Scheme framed by the District Court, Nashik, in Trust Suit No. 1 of 1965 in the matter of Charity Commissioner Vs. Shri. Bhope & Ors. I say that clause 10 of the said scheme stipulates that the Trust is required to be administered by a Board consisting of seven trustees, as follows:

- (i) One Judicial Officer stationed at Nashik, who is a Hindu and nominated by the District Judge, shall act as the Chairman and Ex-Officio Trustee;
- (ii) The Tahsildar of either Kalwan or Dindori, who is a Hindu and appointed by the Chairman, shall act as the Ex-Officio Trustee;
- (iii) The remaining five trustees shall be appointed by the District Judge, Nashik, after hearing the Charity Commissioner, if necessary.

5. I say and submit that pursuant to the requirement of appointment of five trustees, a public advertisement was issued on 19th September, 2025, inviting applications from eligible candidates. I say that in response thereto, several applications were received. Upon receipt of the applications, the same were duly scrutinised, and the list of eligible and ineligible candidates was published on 17.02.2026 along with the interview schedule.

6. I say and submit that interviews of the eligible candidates were conducted between 04.03.2026 and 12.03.2026. I say that the interviews were conducted by a Committee constituted for the said purpose, comprising the Principal District & Sessions Judge, Nashik; and the Chairman of the Trust, District Judge-8 & the Additional Sessions Judge, Nashik. I say that upon completion of the interview process, the names of five candidates, namely (1) Adv. Rahul Ashok Khutade, (2) Shri. Vishnu Trimbak Warungase, (3) Dr. Rajendra Suresh Warade, (4) Shri. Dilipkumar Dubalaji Deshmukh and (5) Dr. Kanchan Ramesh Desale, were recommended for appointment as trustees vide order dated 12.03.2026 bearing No. PDJ/PA/175/2026.

7. I say and submit that on 14.03.2026, a communication was sent from the Special Officer to the Hon'ble the Chief Justice of the Bombay High Court to the office of Principal District & Sessions Judge, Nashik, wherein it was conveyed, inter alia, that pursuant to the Maharashtra Public Trusts (Amendment) Ordinance, 2025 (Mah. Ord. VII of 2025), promulgated on 01.09.2025, and since the date of its effect had not been specified, Respondent No. 3 was under an obligation to consult the Hon'ble High Court before proceeding in the matter, and that the list of recommended trustees published by the office of Respondent No. 3 be withdrawn from the website and kept on hold until further directions.

8. I say and submit that Respondent No. 3, upon receipt of the said communication, vide order dated 14.03.2026 bearing No. PDJ/PA/177/2026, withdrew the published list from the website and kept the matter on hold pending further directions from the Hon'ble High Court. I say that the said action was taken by Respondent No. 3 in due compliance with the communication received from the Hon'ble High Court.

9. I say and submit that the Maharashtra Public Trusts (Amendment) Ordinance, 2025 (Mah. Ord. VII of 2025), was promulgated on 01.09.2025 and published in the Maharashtra Government Gazette. By Section 5 of the said Ordinance, a new Section 50B came to be inserted into the Maharashtra Public Trusts Act, 1950 (XXIX of 1950). Section 50B provides that any reference to the Civil Court or Civil Judge, District Court, or District Judge, in any instrument of trust, scheme, order or decree of any Court, conferring jurisdiction, power or authority, inter alia, appoint any trustee or trustees of any public trust, shall be construed as a reference to the Charity Commissioner, who shall accordingly exercise such jurisdiction, powers and authority.

10. I say and submit that Section 1(2) (b) of the said Ordinance expressly provides that Section 5 of the Ordinance, whereby Section 50B came to be inserted shall come into force on such date as the State Government may by notification published in the Official Gazette, appoint. I say that as on 12.03.2026, when the selection process was concluded, the State Government had not issued any notification appointing the date of commencement of Section 5. I say that accordingly, as on the said date, the power to appoint trustees under Clause 10(3) of the said Scheme continued to vest with the District Judge. I say that prior to undertaking the process for appointment of new trustees, official correspondence vide letter bearing Outward No.PDJ/PA/534/2025 dated 15.10.2025 was addressed to the office of the Joint Charity Commissioner, Nashik, seeking its opinion regarding commencement of the process by the Principal District & Sessions Judge, Nashik. By letter bearing Outward No.46/2025 dated 03.11.2025, the Joint Charity Commissioner, Nashik informed that the office of the Joint Charity Commissioner, Nashik had not received any communication from the State Government regarding issuance of notification bringing Section 5 of the Amendment Act into force. I say that thereafter, the process of appointment of new trustees was undertaken and completed.

11. I say and submit that considering the above facts and circumstances, it was specifically mentioned in the communication dated 14.03.2026 from the office of the Special Officer to the Hon'ble the Chief Justice that the date of commencement of the Ordinance had not been specified. I say that in view of the genuine jurisdictional uncertainty arising out of the said Ordinance, directions were issued to keep the matter in abeyance until the issue regarding the designation of competent authority having jurisdiction was resolved. I say that Respondent No. 3 accordingly acted in compliance with the said directions.

12. I say and submit that the aforesaid Ordinance was replaced by Mah Act No. 53 of 2025 on 31 December 2025. However, Section 5 of the Amending Act was not brought into force with effect from 31 December 2025 and its enforcement was deferred. I say that by Notification dated 27.04.2026, the Government of Maharashtra notified the commencement of Section 5 of the said Mah. Act of 53 of 2025 thereby bringing Section 50B of the Maharashtra Public Trusts Act, 1950 into force with effect from 01.05.2026. I say that consequently upon the commencement of Section 50B of the said Act with effect from 01.05.2026, any reference to the District Judge in Clause 10(3) of the Scheme governing the Trust, as having jurisdiction, power, or authority to appoint trustees, shall now be construed as a reference to the Charity Commissioner, who is vested with the jurisdiction, power, and authority to appoint trustees of the Trust in place of the District Judge. I say that in the facts and circumstances mentioned hereinabove, Respondent No. 3, pursuant to the Notification No. 282 dated 29.05.2026, formally handed over the charge of the Shree Saptashrungi Niwasini Devi Trust,

Saptashruni Gad, Nashik, to the Charity Commissioner on 02.06.2026.

13. I say and submit that it is denied that the communication/order dated 14th March, 2026 is contrary to the provisions of law and not legally sustainable. It is denied that the email/order dated 14th March, 2026 issued by Special Officer to Hon'ble the Chief Justice as well as order dated 14th March, 2026 issued by Respondent No. 3 is against well versed provisions of law as well as against natural justice. It is denied that the said orders are required to be quashed and set aside.

14. I say and submit that the Maharashtra Public Trusts (Amendment) Ordinance, 2025 (Mah. Ord. VII of 2025), promulgated on 01.09.2025, inserted Section 50B into the Maharashtra Public Trusts Act, 1950 by virtue of Section 5 thereof. Section 50B provides that any reference to the District Judge in any instrument of trust or scheme, conferring authority to appoint trustees, shall be construed as a reference to the Charity Commissioner. However, as on 12.03.2026, the date of commencement of Section 5 of the Ordinance had not been notified.

15. I say and submit that that prior to the commencement of Section 50B, Clause 10(3) of the Scheme vested the power of appointment in the District Judge. It is further submitted that the promulgation of the Ordinance on 01.09.2025, read with the deferred commencement of Section 5 thereof, gave rise to a question as to whether the continued exercise of the said power by the District Judge remained unaffected. I submit that the communication dated 14.03.2026 was received and acted upon in the aforesaid context.

16. I submit that the Ordinance had introduced Section 50B, which upon coming into force, vested the power to appoint trustees in the Charity Commissioner in place of the District Judge. As on the date of the communication dated 14.03.2026, the date of commencement of Section 5 had not been specified. The said communication was received in that background, and Respondent No.3 acted in compliance therewith."

18. Respondent no. 4/Special officer to the Hon'ble the Chief Justice, has also filed a reply affidavit dated 22 October, 2026. The affidavit filed by respondent no. 4 certainly shocks our judicial conscience and more particularly, as observed in the earlier order, that insofar as the impugned communication is concerned, everything is being attributed to the then Hon'ble the Chief Justice of the Bombay High Court. The relevant paragraphs of the said affidavit are required to be noted, which read thus:

"5. I say and submit that, on 13.03.2026, as per the directions of the Hon'ble the then the Chief Justice, telephonically it was inquired with the then Principal District Judge, Nasik about the list of trustees. The Principal District Judge, Nasik had then replied that the said list was already approved and has been published on the Website.

06. It is a matter of record that on 14.03.2026, as per the directions of the Hon'ble the then Chief Justice, it has been officially conveyed to the Principal District Judge, Nashik that as per the Ordinance promulgated on 01.09.2025 by the State of Maharashtra and the date of effect was not given therefore, he was under obligation to consult the Hon'ble High Court before Proceeding in the matter, but he failed to do so. In pursuance to the telephonic talk at the direction of the Hon'ble the then Chief Justice of the Bombay High Court, it was conveyed that the list of recommended trustees of Shree SaptashrungiNiwasini Devi Trust, Saptashrung Gad, Taluka Kalwan, District Nashik, dated 12.03.2026 published by the office of the Principal District and Session Judge, Nashik must be withdrawn from website and kept on hold until further directions. It was, therefore, requested to take necessary steps accordingly and ensure compliance at the earliest.

07. I say and submit that the impugned communication was drafted as per the directions of the Hon'ble the then Chief Justice. The draft was placed before the Hon'ble the then Chief Justice and His Lordships' has finalised the same. I crave leave of this Hon'ble Court to call for the records in this regard from the office of the Hon'ble Chief Justice, if deem fit. Thereafter, the said communication was sent through email rgpstocj-bhc@nic.in.

08. I say and submit that, I have no personal information or knowledge nor any record was placed before me after email dated 14.03.2026. I do not know anything except whatever was told to me by the Hon'ble the then Chief Justice.

09. I say and submit that, as per my duty list and role assigned to me as the Special Officer to the Hon'ble the Chief Justice, I was duty bound to obey with utmost humility, all the lawful directions issued or conveyed from time to time by the Hon'ble the Chief Justice. Accordingly, the email dated 14.03.2026 was sent as part of my official duty. I further most respectfully submit that in no capacity I am the author of the said email. I have no role except to obey the oral directions of the Hon'ble the then Chief Justice.

10. I say and submit that I reiterate that my information was only to the extent of direction issued by the Hon'ble the then Chief Justice to send abovesaid e-mail.

11. I say and submit that on 16.03.2026 the Principal District and Sessions Judge Nashik, Shri S. D. Jagmalani was transferred from District Court, Nashik by the Order of the then Registrar General. A copy of Notification No. A-1201/2026 dated 16/03/2026 regarding transfer order is attached hereto and marked as Annexure R4-1.

12. I say and submit that I specifically deny contentions of Grounds mention at Sr.No.A to I.

13. In view of the above, I pray herein that the Hon'ble Court may pass appropriate orders."

19. It is on such backdrop, we have heard Mr. Jagtiani, learned senior counsel representing respondent no. 4. At the outset, Mr. Jagtiani submitted that respondent no. 4 would not defend the decision. He, however, submits that the

impugned decision was not taken unilaterally, but in the manner set out in the reply affidavit filed by the Special Officer to the Hon'ble the Chief Justice/respondent no. 4, i.e., on the directions of the Hon'ble the Chief Justice. He submitted that he would not have any other submissions except from what has been stated in the affidavit.

20. Having heard learned counsel for the parties and having perused the record, at the outset, we need to observe that, Mr. Datar as well as Mr. Jagtiani, could not answer the basic query as posed to them, in the context as to what we had observed in our earlier order dated 27 October, 2026. In paragraph 12 of the said order, we had categorically noted that, considering the affidavit filed on behalf of respondent nos. 2 and 3 by Mr. S.P. Naik-Nimbalkar, Registrar (Legal & Research), it was difficult to believe that the then Hon'ble the Chief Justice could have issued directions on an issue in regard to which the administrative jurisdiction of the Hon'ble The Chief Justice itself was not attracted. This more particularly, when it was observed that, as per the established practice followed by the officers of the Registry, including the officers who are forming part of the Secretariat of the Hon'ble The Chief Justice, for obtaining any orders, an office (Registry's) submission is required to be placed before the then Hon'ble the Chief Justice or the Committee Judges, and only when any such submission is duly approved by the Hon'ble the Chief Justice, necessary orders can be communicated to either District Judges or to whomsoever they are to be addressed and to this effect. Admittedly, no such material demonstrating any approval of the then Hon'ble the Chief Justice is placed on record. It would be such approval, if was to

be granted by the then Hon'ble the Chief Justice, which would have been material to determine whether the Hon'ble the Chief Justice was apprised of the factual and legal position through an office submission invoking the jurisdiction of the Hon'ble the Chief Justice on the administrative side. It is only after apprising the Hon'ble the Chief Justice on an appropriate submission made by the Registry, which includes the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 and upon an approval being granted by the Hon'ble the Chief Justice, could have formed the basis for issuing the impugned communication. It is in these circumstances, on the earlier occasion, *prima facie*, while adjourning the proceedings, we observed that the impugned communication as asserted on behalf of the petitioners, appeared to have been issued, for reasons which cannot be justified in law, as also without following the administrative procedure.

21. In the aforesaid context, when we asked Mr. Jagtiani, who has represented respondent no. 4 and Mr. Datar for respondent nos. 2 and 3, as to whether any submission for the approval of the then Hon'ble the Chief Justice was placed before issuance of the impugned communication, on instructions, they submit that no such submission was placed before the then Hon'ble the Chief Justice and the approval of the then Hon'ble Chief Justice was not taken before issuance of the impugned communication. If this be the position, certainly as to what has been contended by Mr. Sakhare on behalf of the petitioners would be correct, namely, that the impugned communication as issued, being attributed to the Hon'ble the Chief Justice, is not supported by the record with the Registry.

22. We wonder as to what could have prompted the Special Officer to the

Hon'ble the Chief Justice/respondent no. 4, to issue such communication purportedly under the garb of having acted as per the directions of the then Hon'ble the Chief Justice on the administrative side. There is absolutely no justification whatsoever, in any of the affidavits in this regard as to what made and instigated the Special Officer to the Hon'ble the Chief Justice to issue the impugned communication in the name of the then Hon'ble the Chief Justice portraying as if it was issued as directed by the then Hon'ble the Chief Justice. We would thus not accept the contentions raised by respondent no. 4 in the affidavit when everything is being attributed to the then Hon'ble the Chief Justice, in absence of any material in that regard. No approval was obtained from the Hon'ble the Chief Justice for issuing the impugned communication. We find that the Special Officer to the Hon'ble the Chief Justice/respondent no. 4, in issuing the impugned communication, acted with gross impropriety and contrary to law, for the reasons we do not know.

23. We refuse to believe that the directions contained in the impugned communication can, in law, be regarded to be a decision of the then Hon'ble the Chief Justice. In fact, in our view, it is a clear case where the Special Officer to the Hon'ble the Chief Justice/respondent no. 4 has misused the name of the Hon'ble the Chief Justice of the Bombay High Court in issuing the impugned communication, for reasons which are not coming forth on record.

24. If we are to accord any sanctity to the impugned communication in the absence of any prior order being obtained from the then Hon'ble the Chief Justice in accordance with the procedure and manner known to law, we would be

condoning such actions of a member of the Registry, more particularly of a responsible officer, such as respondent no. 4, who was holding a position of high confidence in the office of the Hon'ble the Chief Justice, in usurping the solemnity of the high office. Such conduct, in our opinion, apart from being gross also possibly amounts to a serious misconduct on the part of respondent no. 4 in issuing the impugned communication. This more particularly when not an iota of justification, has come on record, along with the casual manner in which without any supporting material, attributions are made to the then Hon'ble the Chief Justice. Such interference on issues which is not the jurisdiction of the Hon'ble the Chief Justice on the administrative side as fairly conceded by the respondents is also a matter of serious concern. Merely working with the Secretariat of the Hon'ble the Chief Justice would not mean that there is licence to indulge in issuance of such illegal communication and which even the Hon'ble the Chief Justice would otherwise not issue on the administrative side. There appears to be much which can be said. Mr. Sakhare has therefore guardedly made his submissions that he does not want to delve on any deeper scrutiny, as to why this has happened. As also fairly agreed by Mr. Datar, there cannot be any justification whatsoever for issuance of the impugned communication and much less for the reasons stated in the affidavit filed on behalf of respondent no. 2.

25. In the light of the above discussion, we are of the clear opinion that the impugned communication cannot be sustained. It is required to be quashed and set aside. Also, the consequential order dated 14 March, 2026 passed by the learned Principal District and Sessions Judge, Nashik staying further process of

selection (Exhibit 'G' Page 82) also would be required to be quashed and set aside. We order accordingly.

26. The petition is allowed in the aforesaid terms. No costs.

(DR. NEELA GOKHALE, J.)

(G. S. KULKARNI, J.)