

**Ratneshwar and Others Vs. Manmathappa and Others**

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**Court :** Mumbai Aurangabad

**Decided On :** Aug-13-2014

**Judge :** T.V. Nalawade

**Appeal No. :** Second Appeal No. 32 of 2014

**Appellant :** Ratneshwar and Others

**Respondent :** Manmathappa and Others

**Judgement :**

1. The appeal is filed to challenge the judgment and order of Misc. Civil Application No. 26/2011 which was pending in the Court of District Judge-2, Latur. The proceeding filed under section 72 of Bombay Public Trust Act, 1950 (in short 'the Act' ) to challenge the decision of Joint Charity Commissioner (in short 'Jt.C.C.') and Assistant Charity Commissioner (in short 'A.C.C.') given in Inquiry No. 238/2004 was challenged before the District Judge. On the basis of change report given under section 22 of the Act, inquiry was made by A.C.C. and the report was rejected. This decision is set aside by the District Judge and the report is accepted. The report was given by the President and Secretary (Shri. Mallikarjunappa Bidve and Shri. Karale) in respect of the amendment to the Constitution of Shri. Mahatma Basveshwar Education Society, Latur to enable the institution to make more members. The decision of the District Judge is challenged by founder member, member of Governing Council (for short 'G.C.') of the Trust and also by some trustees in the present proceeding. Both the sides are heard.

2. The matter came to this Court after the remand of the matter made by the Hon'ble Apex Court by order passed in Civil Appeal No. 2931/2014 @ SLP (C) No. 5915 of 2014 dated 27.2.2014. While remanding the matter, the Hon'ble Apex Court has made the following observations and some directions are given which are as under:-

"We have gone through the impugned judgment and order of the High Court and we are satisfied that the High Court ought not to have disposed of the Appeal against the judgment and order of the learned District Judge in such a cryptic manner. In fact, it was not an appeal under section 100 of the Civil Procedure Code, 1908 which requires to be entertained only if a substantial question of law arises therein. In fact, in the Appeal, the High Court ought to have gone through all the factual and legal controversies and adjudicated upon them after hearing all the parties concerned."

3. This Court attempting to decide the matter as per the directions given by the Hon'ble Apex Court. The aforesaid education society was formed prior to year 1970. At present, there are some groups in the trustees and each group is interested in getting control over the management of the institution. The change report was given by the President and the Secretary to the effect that the General Body (for short 'G.B.') had directed to give the change report in accordance with the decision taken in the past which was for amendment to Constitution to enable the institution to enroll new, additional members. It was informed in the affidavit that it was as per the previous resolutions made by the G.B. in the meeting dated 8.3.1992. Along with the change report, copies of old Constitution, amended Constitution and copies of resolutions were produced. Subsequent to filing of the report, the President filed affidavit in respect of the information supplied in the report.

4. The Vice President Shri. Ramrao Kavthale and three trustees filed objection to the aforesaid change report. They contended that all the resolutions of G.B. meeting dated 31.1.1994 are illegal and unconstitutional. They claimed that it was imaginary meeting and it was necessary to quash the resolutions of meeting dated 31.1.1994 and other resolutions of other meeting by which enrollment of 40 new

members was made possible.

5. One objection purportedly signed by 16 members was filed to the aforesaid change. One more objection purportedly signed by 3 more members was filed. In these objections, the members contended that they had attended the meetings dated 8.3.1992 and 31.1.1994 of G.B. They contended that in the meeting dated 8.3.1992 in all five amendments to the Constitution were made and amendment No. 1 was for making 40 new members. They contended that change report No. 69/1999 was filed in the past on the basis of resolution of 1992, but the President of institution did not prosecute the proceeding of change report as he felt that due to such amendment he was losing the powers given to him under old Constitution. They contended that in the meeting dated 31.1.1994 subject No. 1 was "To read the proceeding of meeting dated 8.3.1992 and confirm it". They contended that no meeting of G.B. was held in 1993. They contended that the subject No. 1 was approved as it is. It is their case that additional line was written subsequently in the resolution made under subject No. 1 like "amendment annexed" and this one line was added with malafied intention.

6. The objection taken by 19 members was showing their grievance that resolution Nos. 2, 3 and 4 made in the meeting dated 8.3.1992 were not given effect as they had curtailed the powers of President. These members admitted that they were present in the meeting, the minutes of previous meeting of G.B. were placed for confirmation in the meeting dated 31.1.1994 and the minutes were confirmed. In the G.B. meeting the election of new office bearers as per the Constitution took place and some members from G.B. were made members of G.C. This part of decision of G.B. is not challenged.

7. In the aforesaid objection taken by 19 members, they contended that there was no specific subject for amendment to the Constitution in the meeting dated 31.1.1994, but subject No. 5 was added subsequently and false resolution was written to make the amendment. They contended that no decision was taken to make new members in the meeting dated 31.1.1994. They contended that in the meeting dated 22.9.1996, after starting of dispute, the G.B. resolved that aforesaid resolutions were to be treated as cancelled. The persons, who had objected,

requested for rejection of aforesaid change report and also for cancellation of new membership which was already done. Only the dispute with regard to the amendment to the Constitution enabling the institution to make new members is under challenge in the present proceeding.

8. The persons who have objections to the change report took different stands and made different allegations to challenge the change report at different stages before A.C.C., Jt.C.C., District Court and in this Court.

9. Before considering the material available for deciding the dispute, the relevant provisions of the Constitution of the aforesaid institution need to be considered. It appears that the original Constitution came in to existence on 12.2.1970 and it was amended in the year 1990. There is no dispute over the provisions of Constitution which were there till 1990. The Constitution shows that 7 persons were the founder members of the institution. It is mentioned in the Constitution that due to initiative taken by Shri. Mallikarjunappa Bidve, the institution came in existence and it got building for starting Mahatma Basveshwar Mahavidyalaya at Latur. In view of the contribution of Shri. Bidve, he was made permanent President, for his lifetime. Similarly Shri. Ramrao Kavthale was made permanent Vice President of the institution. The contribution of one Shri. Girwalkar Advocate is also mentioned in the Constitution and he was mentioned as founder member. Only after the lifetime of the permanent President and Vice President, the G.B. was to elect the President and Vice President from amongst founder members.

10. Four executive committees are created under the Constitution like (i) G.B., (ii) G.C., (iii) Managing Committee for Colleges and (iv) School Committee.

11. The provisions of Constitution regarding G.B. show that the meeting of G.B. is to be conveyed once in a year within six months from the closure of financial year. It is to be conveyed by the President. Power to convey special G.B. is also given to the office bearers if there is written requisition of 13 or more members, who have right to vote.

12. The Constitution provided in clause (E) (described as 4 (E) by A.C.C.) that the membership will be enrolled up to the end of June 1971. There is dispute about

amendment in this provision as it prohibited the enrollment of members after June 1971 and by the amendment the enrollment became possible.

13. The provisions of Constitution show that the President and Vice President have power to nominate the Secretary and Treasurer. The President and Vice President have power to nominate four Governing council members in addition to Secretary and Treasurer. The G.C. consists of 15 members. The remaining six members to the G.C. are to be elected by G.B. If a vacancy in G.C. occurs, such vacancy is to be filled by G.C. The term of 13 members of G.C. is 5 years. Coram for meeting of G.C. is 1/3 as per the Constitution. The meeting of G.C. can be conveyed by the President and in his absence, by senior-most Member of the G.C. Atleast 3 meeting of G.C. in a year need to be held. Special meeting of G.C. also can be called by President on his own. If requisition is given by 5 or more member of G.C., special meeting can be called.

14. The powers of G.C. under the Constitution show that the G.C. can call meeting of G.B. The powers regarding amendment of Constitution is given in clause No. 17 which is as under:-

"17) The Governing Council shall has along in its own initiative power to repeal, or to after repeal or to amend the constitution in any manner what so ever."

15. The duty of G.C. is mentioned in clause No. 25 of the Constitution which is as under:-

"25) To submit before the General body annual report of the income and expenditure and the working and progress of the Society for information."

16. The provisions of Constitution show that it is the duty of Secretary to record and maintain the minutes of the meeting of G.B. and G.C.

17. The powers of G.B. under the Constitution are as under:-

(i) To prepare educational plan and have general supervision over the functions.

(ii) To consider annual reports prepared by G.C.

(iii) To elect six members to G.C.

18. Before considering the nature of dispute and other material, let us see the record which cannot be disputed by both the sides and which is actually not disputed. The minutes of G.B. meeting dated 8.3.1992 are not disputed and they show that decision was taken by G.B. on the recommendations made by G.C. to make amendment in the Constitution for increasing number of members. The proposal made by G.C. was accepted by G.B. The other part of resolution made in the meeting dated 8.3.1992 show that the powers of President were curtailed and more power was given to G.C. It is G.C. who was to appoint members of G.C. from G.B. The resolution of meeting dated 8.3.1992 shows that the membership was to be increased to make it 40. Admittedly, the change report was filed on the basis of resolution made on 8.3.1992. Inquiry proceeding started on the basis of this resolution was disposed of by A.C.C. on 3.4.1993 as it was not prosecuted.

19. As per the record, on 22.8.1993 a meeting of G.C. was held and in that meeting, the group of present appellants insisted to send amendments made in the meeting dated 8.3.1992 again to the A.C.C. The other group, of the President opposed this move as the aforesaid resolution was to reduce the powers of President. In view of the dispute, a decision was taken to attempt to resolve the dispute which was going on between President Shri. Bidve on one side and Shri. Girwalkar, the other founder member on the other. On 9.1.1994 another meeting of G.C. was held. In this meeting some mediators successfully resolved the dispute between these two leaders. In the said meeting some resolutions were made. The resolution Nos. 4 and 5 were to the effect that the original Constitution was not to be changed, but the membership was to be increased. Thus, in the meeting of G.C., they decided not to curtail the powers of President, but they decided to increase the number of members. In the same meeting, the decision was taken to place the decision taken by G.C. before the G.B. which was due. As per the record, there is no dispute over the record of minutes of meeting of G.C. dated 9.1.1994.

20. In view of the decision taken by G.C. on 9.1.1994 the meeting of G.B. was called and arranged on 31.1.1994. The first subject before G.B. was to confirm the

minutes of meeting dated 8.3.1992. In the year 1993, there was no meeting of G.B. called and it was probably due to aforesaid dispute. It is already mentioned that at least 19 members have admitted that there was G.B. meeting on 31.1.1994 and first subject was about the confirmation of minutes of meeting of G.B. dated 8.3.1994. In ordinary course also, this subject is considered first in every meeting. The dispute is only on the particulars of resolution made on subject No. 1. The present resolution is to the effect that the amendment made to increase membership was confirmed, but the remaining part of the amendment was cancelled. In view of the minutes of meeting of G.C. dated 9.1.1994, there was nothing inconsistent in this resolution, if it is compared with the resolution of G.C. However, it can be said that only part of minutes of the previous meeting of G.B. were confirmed in subject No. 1. Much is tried to be made out by the side of appellants in respect of one bracketed portion in resolution No. 1 and it is to the effect that the amendment was annexed. The law point raised on this issue is considered and discussed at later stage.

21. In the meeting of G.B. dated 31.1.1994, subject No. 5 was the proposal by one Chandrakant, Chairman of Education Committee of Nagar Parishad. He had given proposal to increase the membership by 10. The resolution on subject No. 5 shows that as there was decision taken to increase the members to make 40, no need was felt to make one more resolution on this subject. Thus, resolution No. 5 is also consistent with resolution No. 1 so far as the decision taken to increase the number of members is concerned.

22. In the first two rounds of the litigation, the A.C.C. had accepted the change report. When the A.C.C. accepted the report on second occasion, this decision was also set aside and the matter was remanded back to the A.C.C. Only after that the A.C.C. rejected the change report and due to that the matter has come before this Court.

23. In the order, which was under challenge, A.C.C. had given following reasons for rejection of the change report filed under section 22 of the Act.

(i) That, the of G.B. was not called as per the bye-laws made for meeting, it was not within six months from the closing of financial year. Here only it needs to be

observed that the A.C.C. did not consider the circumstance that in the year 1993, no meeting of G.B. was called. The A.C.C. has also not considered the powers of G.C. given in the constitution which are already quoted. Further, this point was not raised by anybody.

(ii) That, in the meeting dated 31.1.1994 there was no specific subject on agenda to cancel clause No. 4 (E) of Constitution which prevented new enrollment of members after June 1971. Here it needs to be observed that subject No. 1 was the confirmation of the minutes of G.B. meeting dated 8.3.1992 and in view of the resolutions already quoted, there was no need to have a separate and new resolution.

(iii) That, as per the bye-laws, the G.C. (described as Managing Committee) had never amended Constitution prior to 31.1.1994 and there was no meeting of G.C. to cancel clause 4 (E). On this reasoning, it needs to be observed that the subject of amendment was placed before G.B. in the meeting dated 8.3.1993 by G.C. itself and decision was taken on the initiative taken by the G.C. The G.B. had accepted the recommendation made by the G.C. to cancel the embargo, clause 4 (E). Further, there was one more meeting of G.C. which was held before G.B. dated 31.1.1994. This record is not considered by A.C.C. and due to that the A.C.C. committed error.

(iv) In the resolution No. 1, one line was probably added to the effect that HINDI", and this line was not there in copy of resolution produced along with change report and so, there is possibility of creation of false record of resolution. Even if the observation made by the A.C.C. is accepted as it is, it cannot make any difference as the decision was already taken on 8.3.1992 and the matter was placed before G.B. dated 31.1.1994 only for confirmation of the minutes of previous meeting.

24. Before Jt.C.C. in the proceeding filed under section 72 of the Act, different points were raised for the present appellants, the persons objecting the change. For confirming the decision of A.C.C., the learned Jt.C.C. has given following reasons.

(i) That, there was no approval of G.C. for making application to A.C.C. for effecting the change and the change report was not duly verified. The President who had filed change report was not available for cross examination and so, the change report cannot be considered.

Per this Court:-

The technical point that there was no verification to the change report could not have been considered for many reasons. There was the affidavit in support of the contents of the change report and information in prescribed form was also supplied. There was no need to obtain further approval of G.C. for submitting change report in view of previous resolution.

(ii) That, resolution made by G.B. on 31.1.1994 was not placed before G.C. in the meeting dated 27.2.1994 and so, there is possibility of creation of false proceeding of resolution of G.B. dated 31.1.1994. Further, there was the power to make amendment only to the G.C.

Per this Court:-

In view of the previous resolutions quoted already, there was no necessity to place resolution dated 31.1.1994 before G.C. At the instance of G.C., the matter was considered by G.B. in the year 1992 and after that also, there was one more meeting of G.C. in which further decision was taken in respect of the subject involved in the present matter. Everything was done due to initiative taken by G.C. Further, as per the provisions of Constitution, it was necessary to place the said proposal of G.C. before G.B.

(iii) That the meeting of G.B. was not as per the bye-laws.

Per this Court:-

Same reasons are given by learned Jt.C.C. on this point and there is no force in this reason. This Court has already given the reasons for the same.

(iv) That the specific subject for deletion of clause 4.

(E) was not on agenda of G.B. Per this Court:-

This point also could not have become ground for rejection of change report for the reasons already given.

(v) That the delay caused in filing the proceeding of change report was condoned, but the condonation was not legal.

Per this Court:-

It was not open to the Jt.C.C. to open this point as the delay was already condoned. Further, in view of the settled law, it is not possible to reject the change report only on the ground of delay and other action like imposing penalty could have been taken. It was only to be ascertained as to whether change had taken place or not.

(vi) That, all the amendments made in the Constitution were cancelled in the meeting dated 31.1.1994.

Per this Court:-

This reasoning and observation are not at all correct. This Court has quoted the minutes of meeting dated 9.1.1994 of G.C. and minutes of G.B. dated 31.1.1994 and they show that the part of amendment enabling the institution to make more members was not disturbed and this portion was confirmed by G.B.

(vii) That subject No. 5 of meeting dated 31.1.1994 was not relating to the change, but copy of it was filed along with change report.

Per this Court:-

It appears that copy of such resolution was filed, but the information filled in the form and the affidavit show that the reasons for the change and other relevant information was supplied to A.C.C. Further, it was necessary for the A.C.C. to make necessary inquiry to find out whether the change had taken place and so, not much could have been made out due to this circumstance. Copies of both the Constitutions, old and amended, were produced and the intention about making

the amendment was made clear.

(viii) That there was no meeting of G.B. on 8.3.1992 and so, it was not possible to take further decision by G.B. on 31.1.1994.

Per this Court:-

Nobody had come with a case that there was no G.B. meeting in the year 1992 and relevant portion of the rival cases is already quoted in this regard. Thus, the Jt.C.C. did not go through the record and has given findings which are not consistent with the record.

25. The learned Senior Counsel Shri. Antoorkar for the appellants has placed reliance on the case reported as **AIR 1970 SC 1832 (1) [Dr. Chetkar Jha V. Dr. Vishwanath Prasad Verma and Ors.]**. On the basis of observations made by the Apex Court, the learned Senior Counsel submitted that no new resolution could have been passed in the meeting dated 31.1.1994 and no alteration could have been made in the minutes of the meeting dated 8.3.1992. At paragraph No. 15 following observations are made by the Apex Court.

"The question then is whether the minutes, as drafted and placed before the meeting on July 3, 1963, could be altered as was done on that day. The alteration clearly was not of a minor or a clerical error but constituted a substantial change. Minutes of a meeting are recorded to safeguard against future disputes as to what had taken place thereat. They are a record of the fact that a meeting was held and of the decision taken thereat. Usually they are written up after the termination of the meeting, often from rough notes taken by the person who is to draft them and then are placed before the 'next meeting for what is generally known as "confirmation", though they are placed for verification and not for confirmation. Indeed, there is no question of any confirmation at the next meeting of a decision already taken, for, a decision once taken does not require any confirmation. Accordingly, when minutes of a meeting are placed before the next meeting the only thing that can be done is to see whether the decision taken at the earlier meeting has been properly recorded or not. The accuracy of the minutes and not the validity of the decision is, therefore, before the meeting. Once a decision is

duly taken it can only be changed by a substantive resolution properly adopted for such a change. When, therefore, a decision is taken and is minuted and such minutes are signed by the Chairman they become prima facie evidence of what took place at the meeting. In the case of company meetings, every meeting of directors or managers in respect of whose proceedings minutes have been so made is deemed to have been properly held and convened and all proceedings had there to have been duly had and all appointments of directors, managers or liquidators are deemed to be valid unless the contrary is proved. (cf. Halsbury's Laws of England, 3rd ED., Vol. 6, p. 318). This is the position when minutes have been signed by the Chairman. After such signature they cannot be altered. But before the minutes are signed they can be altered if found to be inaccurate or not in accord with what was actually decided. If that were not to be so, it would result in great hardship and inconvenience, for, however, inaccurate they are, they cannot be altered to bring them in conformity with the actual decision. [cf. Talbot, W.F., Company Meetings, (1951 Ed.), p. 82]. This was precisely what was done at the meeting of July 3, 1963 and no objection to the course adopted then by the Chairman and the Syndicate could be validly taken particularly as none present then had raised any protest against the alteration. The decision relied on by Mr. Jha in *In re, Botherham Alum and Chemical Company* (1883) 25 Ch D 103 is altogether on a different question and cannot be of any assistance."

There cannot be dispute over aforesaid proposition made by the Apex Court. The facts of the present case are already mentioned and it cannot be said that the previous decision in G.B. dated 8.3.1992 in respect of the present matter was changed on 31.1.1994. From prior to 8.3.1992 this subject was under consideration and the resolution was then passed in this regard at the instance of G.C. and it was confirmed on 31.1.1994. So, on the point involved in the matter, the case cited supra is of no help to the present appellants.

26. The learned counsel for respondents placed reliance on the case reported as **AIR 2007 SUPREME COURT 425 [Kerala State Electricity Board Vs. Hindustan Construction Co. Ltd. and Ors.]**. In this case, the Apex Court has laid down that non confirmation of minutes of previous meeting in subsequent meeting does not have any effect on decision taken in earlier meeting. This

proposition also cannot be disputed and it is on the line of the earlier decision on which reliance is placed by the learned Senior Counsel of the appellants.

27. The learned Senior Counsel of respondents placed reliance on another case reported as **1993 Supp. (4) Supreme Court Cases 26 [Managing Committee, Khalsa Middle School and Anr. Vs. Mohinder Kaur (Smt) and Anr.]**. There are observations in respect of rules of society registered under the Societies Registration Act, 1860 in this case. This Court has no hesitation to hold that the observations made by the Apex Court in the reported case can be used in the present case. It is laid down by the Apex Court that "such amendment comes into effect on the date of resolution and not on the date of registration." The provisions of the Act show that only in few cases like the change report filed under section 50-A (2) (a) by which change in the object is effected, the approval of Charity Commissioner will be necessary for effecting the change. Thus, for effecting the change like present one, no approval of the office of Charity Commissioner is necessary and the change takes effect from the date of resolution. Similar observations are made in **Writ Petition No. 6073 of 2005 [Janta Shikshan Prasarak Mandal and Anr. Vs. The State of Maharashtra and Ors.]** decided by the **Aurangabad Bench** of this Court on **22.9.2005** and also in the case reported as **2008 (1) ALL MR 105 [Ganesh s/o. Mahadeorao Thawre Vs. Central Military Education Society, Nashik and Anr.]**.

28. In view of the aforesaid position of law, this Court has no hesitation to hold that the change, the amendment in Constitution came in effect in 1992 itself when G.B. accepted the recommendation of G.C. in that regard. The order of dismissal of proceeding of inquiry started on the basis of previous change report cannot make much difference in the position that the change had come in to effect.

29. Under section 22 of the Act, the A.C.C. is expected to ascertain as to whether the change has occurred in the entries recorded in the register kept under section 17 of the Act. It is settled position that such inquiry involves the inquiry in to factual aspect and also inquiry in to the legality of the change. The wording used in section 22 shows that the A.C.C. is required to get 'satisfied' about the factum of change on the basis of material which is produced before him and also on the

basis of material which can be available in this regard. When there is record of aforesaid nature, not much can be made out on the basis of oral evidence by either side. In such a matter, there are interested witnesses on both sides and due to politics, some persons keep on changing the sides. The relevant material already quoted shows that there was more than sufficient material available before the A.C.C. to show that the change had taken place. Further, the submissions made and the steps taken by both the sides show that both the sides were interested in increasing the number of members.

30. The provisions of section 22 of the Act shows that the change can be reported by any trustee or his agent and after receipt of the report, the A.C.C. is expected to make inquiry which is judicial in nature. In view of this procedure, the defect in the information or mistakes committed like in the present case which do not relate to change itself cannot make difference in the result of the proceeding. Under Schedule III (As per Rule 13) of the Act, form is prescribed for supplying information about the change and as per the form, the information on following points needs to be supplied.

(i) Nature of change,

(ii) Reasons for change and

(iii) Remarks if any.

The change form needs to be signed by reporting trustee. Thus, the information needs to be supplied as per the statutory requirement and on the aforesaid points. The form needs to be accompanied by a true copy of instrument of resolution. If there is some mistake or alleged inclusion/addition of one or two sentences like alleged in the present case, that needs to be inquired by the A.C.C. In such a case also the A.C.C. is expected to ascertain the intention behind the resolution and whether the change had really taken place. If some discrepancy in the material like copy of resolution is noticed, but such discrepancy is not affecting the intended change, the A.C.C. is expected to accept the change, subject to his satisfaction, based on the material available in that regard. The only thing which is required to be done by the A.C.C. is to ascertain as to whether addition of sentence or

deletion of sentence in the resolution has changed the intention behind the resolution. If the resolution was already passed and it was only matter of confirmation of the minutes like done in the meeting dated 31.1.1994, such things would not matter much.

31. On the basis of the provisions of Constitution and the record already quoted, it cannot be said that G.B. dated 31.1.1994 was illegal. It cannot be inferred that false record of resolution No. 1 of G.B. dated 31.1.1994 was created. At the cost of repetition, it needs to be mentioned that both the sides wanted this change and real dispute was on different point. It cannot be said that the decision in respect of the present amendment was taken by G.C. prior to 8.3.1992 and also in the meeting dated 9.1.1994. G.C. had decided to drop the other amendments mentioned in the resolution of G.B. dated 8.3.1992. Whether this dropping of other resolutions of G.B. could have been done by G.C. is a different matter and there is no need to touch that point in the present proceeding. On the basis of the record, this Court has no hesitation to hold that there was no contradiction in the decision taken by the G.C. and G.B. on the matter involved in the present case. Only because many members subsequently opposed the amendment and filed objections before A.C.C. five-six years after filing of the change report, it cannot be inferred that the change had not taken place.

32. In view of the provisions of the Constitution, the power conferred on the President and the fact that out of 15 members of G.C. only 5 members including Vice President opposed the present amendment, it can be said that minority group in G.C. has raised objection. It can be said that even without changing the Constitution to enable the institution to increase the number of members, the President and his group could have remained in power. There is no force in the contention that only the G.C. had power to make such amendment as the right of G.B. will be affected by this change in view of the relevant provisions of the Constitution already quoted. Further, the provisions of Constitution show that it was necessary for G.C. to place its decision before G.B. as it was in relation to the working of the entire institution involved the management also and there was the power to G.C. to elect atleast few members from amongst G.B. to G.C.

33. The learned District Judge has given sufficient and proper reasoning for setting aside the orders made by A.C.C. and Jt. C.C. and also for accepting the change report. No case is made out for interference in the decision of the learned District Judge.

34. In the result, the appeal stands dismissed. The civil applications, if any, filed in this proceeding stand disposed of.

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