

MHRG010005022024



Civil Misc. Application No. 108/2024

Yakub Baig Trust, Panvel through)
its Trustee) ... **Applicant**

V/s.

The Asstt. Charity Commissioner,)
Alibag, Dist. Raigad & 1.) ... **Respondents.**

:: ORDER BELOW EXH. 1 ::

Vide order dated 03.11.2025 in Writ Petition No. 18892/2024 the Hon'ble High Court expedited the hearing of Civil M. A. No. 108/2024 with directions to decide the Civil M.A. No. 108/2024, within the period of three months from the date of schedule for hearing of the parties i.e. 10.11.2025. Both parties to the application appeared before me on 01.12.2025.

02. This application is for appointment of new trustees as per the scheme of the Trust, which was framed by District Court, Kolaba now Raigad pursuant to the decree dated 23.02.1953 in Civil Suit No.08/1952, for the further period of five years and for issuing a public notice in the local newspaper for appointment of trustees.

03. As per the scheme of the Trust, the District Judge is empowered to appoint the board of trustees for proper administration of the said trust. As per the scheme it is necessary to appoint the board of new trustees. The qualifications and disqualifications of the trustees are prescribed in clause 4 of the scheme. Clause 3 provides that, the Trust estate shall vest in and shall be administered by a Board consisting of five trustees. They shall be chosen by District Judge. Out of Five Trustees, three shall be from the family of settlor Yakub Baig. Those three trustees shall be chosen from each of the branches of the settlor's three sons viz Ahmed Baig, Usman Baig and Yusuf Baig. But, if at any time a fit and proper representative from any one of the branches of the settlor's family is not available, any person belonging to the "Sunni Hanafi Muslim Jamat" shall be appointed in his place for the time being. The remaining two trustees shall be chosen from among persons belonging to "Sunni Hanafi Muslim Jamat" and they shall be persons who have no connection with the members of the family of the settlor. All the five trustees shall hold their office for five years. They will however be eligible for re-election.

04. The scheme also provides that, the trustee to be appointed must be a permanent resident of Panvel township meaning within the limit of Panvel Municipal District and he must be one who has belief in the teaching of Allaha and Avaliya.

05. Scheme also provides that the minimum educational qualifications of the person to be appointed as trustee must be that he must be educated upto 4th Std. Marathi, 4th Std. English and 4th Std. Urdu.

06. Perusal of the order of the Hon'ble High Court shows that, Chief Executive Officer, Waqf Board has passed order declaring Yakub Baig Trust as a Waqf Institution and the said order is challenged before the Waqf Tribunal and in view of the same, the consequences in law will follow. Both parties agrees that till date no order is passed by the Waqf Tribunal declaring Yakub Baig Trust as a Waqf Institution. Therefore I have decided to proceed further.

07. In view of the scheme of the trust and the order of the Hon'ble High Court, this Court on 01.12.2025 directed the Applicant Trust i.e. Yakub Baig Trust to publish public notice in local newspaper named 'Krushival' which has wide circulation in Panvel mentioning the qualifications and disqualifications of trustees and to call the applications within **30 days** from the persons who are qualified to apply for appointment as trustees as per clause 3 and 4 of the scheme. Clause 3 and 4 of the scheme shall be specifically reproduced in the public notice. It be also made clear in the public notice that, the term of trustees shall be for maximum five years and shall be subject to the decision of the Waqf Tribunal and the consequences in law as per the order of the Waqf Tribunal will follow.

08. Accordingly the public notice dated 04.12.2025 at Exh.63 was published in the local newspaper named Krushival dated 05.12.2025. Thereafter one Moinuddin Yakub Baig through his Adv. Shri. Bartake raised objections vide Exh. 64 to the public notice contending that the said public notice is not as per the order of this Court passed on 01.12.2025 and it is not as per the scheme. This Court after hearing both sides and the objector, ordered to issue corrigendum vide order dated 13.01.2026. Thereafter on approval of the draft of the corrigendum, corrigendum was published in local newspaper named Krushival on 22.01.2026 which is at Exh.76.

09. Pursuant to the Public Notice dt. 05.12.2025 and Corrigendum published in Newspaper on 22.01.2026, total 27 Sealed Envelopes are received. On opening the sealed envelopes it was found that one of the envelope is addressed by Adv. Shri. Kosamkar on behalf of (1) Mr. Imtiyaz Ismail Baig and (2) Mr. Moajjam Salim Baig. It was containing one application with the averment that this Court has no jurisdiction to settle, decide or deal with any question involved in the matter which is by or under Waqf Act required to be settled, decided or dealt with by Waqf Tribunal and prayed for return of Civil M.A. No. 108/2024 to Applicant to file it in a proper Court, which is at Exh.152. It came to be rejected by this Court on 24.02.2026 for the reasons recorded below Exh.152. Therefore only 26 applications are before the Court as per the Public Notice and Corrigendum, for appointment as Trustees.

10. On further scrutiny, it was found that 07 Candidates have made applications twice and hence subsequent applications of such candidates were tied with their earlier applications. Names of those 07 candidates are as under :-

1. Ashraf Javid Sayyed.
2. Mushtaq Nasir Inamdar
3. Tausif Taslim Shaikh
4. Mohammad Rafique Shaikh
5. Imran Salim Khan
6. Yusuf Akbar Khan
7. Mujjafar Mustafa Baig.

11. Thus, only 19 candidates have shown interest for their appointment as Trustees by submitting applications. Out of them, 02 candidates present before the court on 10.02.2026 stated that they are not interested to be appointed as trustees and filed pursis at Exh.157 and 158. Names of those 02 candidates are as under :-

1. Sikandar Yakub Baig
2. Mustaq Sikandar Baig

12. Therefore following 17 Candidates only are available for consideration for appointment as Trustees. Names of those 17 candidates are as under :-

1. Yusuf Akbar Khan (Exh. 78 & 81)
2. Mujaffar M. Mustafa Baig (Exh.84 & 87)
3. Imran Salim Khan (Exh.90 & 93)
4. Mansoor Mohammad Mustafa Yakub Baig (Exh.96)

5. Tausif Taslim Shaikh (Exh.99 , 102)
6. Mustaq Nasir Inamdar (Exh.105, 108)
7. Ashraf Javid Sayyad (Exh.111, 114)
8. Mohammad Rafique Makdumsab Shaikh (Exh.117, 120)
9. Risal Ahmad Nizam Ahmad Sayyad (Exh.127)
10. Yunaf Yusuf Khan (Exh.130)
11. Aasif Shabbir Pathan (Exh.133)
12. Nasir Rashid Shaikh (Exh.136)
13. Ahmad Ali Soharab Alam Khan (Exh.139)
14. Shahnawaj Yakub Baig (Exh.142)
15. Mohammad Nauman Abdul Ajij Baig (Exh.145)
16. Moazzam Salim Baig (Exh.147)
17. Moinuddin Yakub Baig (Exh.149)

13. Candidate No.1 Yusuf Akbar Khan has produced the documents with Exh.83 viz. leaving certificate issued by Bandra Urdu High School and Jr. College of Science and Commerce, Pan card, Adhar card, Election card, Ration card.

14. Candidate No.2 Mujaffar M. Mustafa Baig has produced the documents with Exh.89 viz. Birth certificate, Pan card, Adhar card, B.L.S. degree certificate, B.L.S.L.L.B. Sanad.

15. Candidate No.3 Imran Salim Khan has produced the documents with Exh.95 viz. leaving certificate issued by Yakub Baig High School Panvel, Pan card, Adhar card, Election card, Ration card, Electricity bill.

16. Candidate No.5 Tausif Taslim Shaikh has produced the documents with Exh.104 viz. Birth certificate, leaving certificate issued by PES English School and Jr. College, 12th mark-sheet, Pan card, Adhar card, Election card.

17. Candidate Nos.1, 2, 3 & 5 filed joint say at Exh.180 through Adv. Shri. Oak stating that the candidate at Sr. Nos.1, 2, 3 were the Trustees earlier and the father of candidate No.5 was also the Trustee. Candidate no. 17 name Moinuddin Yakub Baig objected to the candidature of the abovesaid candidates by filing objections at Exh.196 on 18.03.2026 and Candidate nos. 4, 9, 10, 11 and 12 objected to their candidature by filing say at Exh. 183.

18. Vide Exh. 202 candidate no. 1 has offered his explanation. Vide Exh. 203 candidate no. 2 has offered his explanation. Vide Exh. 204 candidate no. 3 has offered his explanation. Vide Exh. 205 candidate no. 5 has offered his explanation.

19. Ld. Advocate Shri. Oak submits that as regards candidate No.1 is concerned it be noted that he studied in Bandra Urdu High School at Bandra and Junior College of Science and Commerce. This itself indicate that his one of the language was Urdu. He fairly submits that Candidate no. 1, 2 and 3 have no mark-sheet to suggest that these candidates studied Urdu upto 4th Std. However, he submits that Candidate no. 5 Tausif Shaikh's Secondary School Certificate mark-sheet

produced at Exh.211 shows he had Marathi, English and Urdu subjects.

20. Candidate No.6 Mustaq Nasir Inamdar has produced the documents with Exh.110 viz. leaving certificate issued by Mahatma Gandhi High School, Junnar-Poona, Pan card, Adhar card, Election card, Electricity bill, Sunniyat certificate issued by Raza Academy, Passport, driving license.

21. Candidate No.7 Ashraf Javid Sayyad has produced the documents with Exh.116 viz. leaving certificate issued by Yashwantrao Chavan High School, Phaltan, Pan Card, Adhar card, Election card, Passport, Ration card, Electricity bill, Sunniyat certificate issued by Raza Academy, driving license.

22. Candidate No.8 Mohammad Rafique Makdumsab Shaikh has produced the documents with Exh.122 and 189 viz. leaving certificate issued by Shriram Higher Secondary School, Aashti, Dist. Beed, Pan card, Adhar card, Election card, Passport, Rent Agreement, Electricity bill of rented room, Certificate of Bachelor of Commerce, Sunniyat certificate issued by Raza Academy, 5th std. mark-sheet, 6th std. mark-sheet, driving license, documents about pension of his mother.

23. Candidate No.13 Ahmad Ali Soharab Alam Khan has produced the documents with Exh.141 and 191 viz. leaving certificate issued by Mahatma Phule Arts, Science and Commerce college Panvel, 12th mark-sheet, Adhar card, Pan card, Electricity bill, Sunniyat certificate issued by Raza

Academy, 1st, 2nd, 3rd Std. mark-sheet, Election Card, leaving certificate issued by Panvel Nagarparishad Shikshan Mandal, 10th std. Certificate issued by board showing Urdu, Marathi and English Subjects.

24. Ld. Adv. Shri. Jayesh Joshi has filed joint say at Exh. 181 of abovesaid candidates Nos. 6, 7, 8 and 13. He candidly admits that as regards candidate Nos. 6, 7 and 8 there is no mark-sheet which will indicate they studied English, Marathi and Urdu upto 4th std. However, he submits that candidate no. 13 by producing the 10th std. certificate issued by board sufficiently shows he knows Marathi, English and Urdu as required under the scheme. Ld. Adv. Smt. Pooja Jadhav for candidate nos. 4,9,10,11 and 12 vide Exh. 183 objected to the candidature of the abovesaid candidate nos. 6, 7, 8 and 13.

25. Candidate No.4 Mansoor Mohammad Mustafa Yakub Baig has produced the documents with Exh.98 viz. Adhar card, Ration card, Udyam Registration Certificate, Sunni Hanafi Certificate issued by Mufti Mehmood Akhtarul Qadari, Passport, Marriage certificate, 10th std. mark-sheet, Birth certificate, Leaving certificate issued by Yakub Baig High School, Panvel, Urdu Medium, leaving certificate issued by K. H. E. Trust, The English High School Panvel.

26. Candidate No.9 Risal Ahmad Nizam Ahmad Sayyad has produced the documents with Exh.129 viz. Adhar card, Certificate of B.E. (Electrical Engineering), Election card,

Marriage certificate. 10th std. and 12th std. mark-sheets and declaration.

27. Candidate No.10 Yunaf Yusuf Khan has produced the documents with Exh. 132 viz. Adhar card, Pan card, Election card, Marriage certificate, 10th std. and 12th std. mark-sheet, declaration.

28. Candidate No.11 Aasif Shabbir Pathan has produced the documents with Exh.135 viz. Adhar card, Pan card, Election card, 10th std. mark-sheet and declaration.

29. Candidate No. 12 Nasir Rashid Shaikh has produced the documents with Exh. 138 viz. Adhar card, Pan card, marriage certificate, 10th std. mark-sheet, 11th std. school leaving certificate issued by Vithoba Khandappa High School, Jr. College, Panvel., 12th Std mark-sheet.

30. Adv. Smt. Pooja Jadhav for candidate nos. 4, 9, 10, 11 and 12 filed joint say at Exh. 183 for justifying their candidature however, she candidly admits that none of her candidates possess mark-sheet to show they studied English, Marathi and Urdu in 4th std. or above. However, she submits that her candidate no. 4 studied in Yakub Baig High School upto 7th std. in Urdu Medium and 10th std mark-sheet submitted by him shows he studied Marathi, English and Hindi in 10th std. and therefore Candidate no. 4 be considered for appointment as Trustee. Candidate no. 17 has taken objection vide Exh. 196 to candidature of candidate no. 10 above.

31. Candidate No.14 Shahnawaj Yakub Baig has produced the documents with Exh.195 viz. school leaving certificate issued by Sudhagad Education Society Pali, Barns High School, Election card, Certificate issued by Panvel Electronic Institute.

32. Ld. Adv. Shri. Padte candidly admits that his candidate no. 14 do not possess the mark-sheet/certificate to show he has studied English, Marathi Urdu in 4th std or above.

33. Candidate No.15 Mohammad Nauman Abdul Ajj Baig has produced the documents with Exh.146 viz. Adhar card, Election card, 10th std. mark-sheet, B. E. certificate issued by university of Bombay, Nibosh/registered in England and wales, letter of Yakub Baig Trust dated 03.10.2017 and receipt issued by him to Yakub Baig Trust dated 29.09.2017, Bareilvi Hanafi Sunni Muslim certificate issued by Mufti Mehmood Akhtarool Qadri.

34. Candidate No.17 Moinuddin Yakub Baig has produced the documents with Exh.151 and 198 viz. Adhar card, letter of Yakub Baig Trust dated 03.10.2017 with receipt issued by him to Yakub Baig Trust on 11.08.2014, school leaving certificate issued by National High School for boys Nashik, Bareilvi Hanafi Sunni Muslim certificate issued by Raza academy, Ration card, certificate issued by Jamat Raza-E-Mushtafa, Election card, driving license, birth certificate, pursis filed in the JMFC Court at Panvel in RCC No. 462/2004, 8th std. mark-sheet

issued by National High School for boys showing the subjects Urdu, Hindi + Marathi and English.

35. Adv. Shri. Bartake has filed written arguments on behalf of the candidate no. 17 only though he appeared for candidate no. 15 and 17, at Exh. 185 and he has also objected to the appointment of Candidate no. 2, 3, 5, 10, 14.

36. Candidate No.16 Moazzam Salim Baig has produced the documents with Exh.184 viz. Adhar card, Election card, Ration Card, Birth certificate, Family tree, order of Hon'ble High Court in F. A. No.194/1947 Scheme framed in suit No. 08/1952, order of Waqf Tribunal dt.20.02.2026, order dt. 03.05.2024 of Hon'ble High Court in W.P.No.7747/2023 with 7758/2023.

37. This candidate appeared in person and filed written submissions at Exh. 184 and submitted that he is from the branch of Ahmed Baig from the family tree of Yakub Baig. He candidly submits that he has studied upto 7th std. however, he do not possess the mark-sheet or certificate to show he studied English, Marathi and Urdu upto 4th std. or above.

38. First I will like to consider whether the candidates fulfill clause 4(n) of the Scheme of Yakub Baig Trust which provides the minimum educational qualification of the person to be appointed as Trustee. It provides that the candidate must be educated upto 4th std. Marathi, 4th std English and 4th std Urdu. Interaction with the candidates was arranged on 24.03.2026, so as to ascertain the candidates fulfills the conditions required to

be complied for appointment as Trustees as per the scheme. Except candidate no. 15 Mohammad Nauman Abdul Ajij Baig all candidates attended the interaction. It was noticed that most of the candidates have not submitted the document in support of compliance of clause 4(n) of the Scheme. Therefore, on 01.04.2026, candidates and their Advocates were directed to submit documents in support of compliance of Clause 4(n) of the Scheme.

39. On 04.04.2026 Candidate no. 17 Moinuddin Yakub Baig vide Exh. 207 filed 8th std. mark-sheet issued by National High School for boys showing the subjects Urdu, Hindi+Marathi and English, Adv. Smt. Pooja Jadhav for Candidate nos. 4, 9, 10, 11 and 12 filed 12 documents at Exh. 209 which consist of the declarations of the candidates to the effect that they have knowledge of Marathi, English and Urdu. She has produced on record the certificate issued by Yakub Baig High School which shows candidate no. 4 studied in the said school upto 7th Std. in Urdu Medium. She further submitted that the candidate no. 4 has already submitted on record the 10th mark-sheet which shows this candidate has studied Marathi, English and Hindi in 10th std. Adv. Shri. Oak for candidate no. 5 filed his 10th std. mark-sheet, at Exh. 211 reflecting this candidate had Urdu, Marathi+Hindi and English knowledge in 10th Std. Ld. Adv. Shri. Oak pointed out that candidate no. 1 studied in Bandra Urdu High School in Urdu Medium. Adv. Shri. J. A. Joshi has submitted that his candidate no. 13 has already submitted 10th certificate issued by Board showing Urdu, Marathi and English

subjects.

40. Upon a careful and anxious consideration of the material on record, this Court finds that the Scheme of the Trust specifically prescribes that a person to be appointed as a Trustee must possess knowledge of Marathi, English and Urdu duly supported by a certificate/mark-sheet evidencing such knowledge. The Trust in question being a Muslim Trust, the requirement of knowledge of Urdu cannot be treated as a mere ornamental or procedural stipulation but assumes substantive significance having regard to the nature, objects and functioning of the Trust. It is a matter of common judicial notice that in institutions of such character, Urdu is often the medium of communication, record maintenance and interaction with the beneficial community. Therefore the requirement of knowledge of Urdu is intrinsically connected with the effective administration of the Trust and the fulfillment of its objects. At this juncture, it becomes necessary to distinguish between the requirement of possession of knowledge and the mode of proof of such knowledge. While the insistence upon a certificate may be construed as a procedural mechanism intended to insure uniformity and authenticity, the foundational requirement is that the Trustee must, in fact possess working knowledge of the language. The doctrine of substantial compliance permits the Court, in appropriate cases to look beyond the form and examine the substance, so as to advance the cause of justice and prevent failure thereof on account of technicalities. However such doctrine cannot be invoke to dilute an essential eligibility

condition which goes to the root of the matter. In the present case, material produce on record demonstrate that except the candidate numbers 1, 4, 5, 13, 15 and 17 no other candidates even possess rudimentary knowledge of Urdu. The absence is not merely of a formal certificate but of the substantive qualification itself. In such circumstances, the Court cannot under the guise of liberal interpretation, re-write or dilute the express stipulation contained in the Scheme of the Trust. The scheme framed by the then District Judge being a governing instrument, is required to be respected and given due effect, particularly when it relates to qualifications designed to ensure proper administration of the Trust in consonance with its religious and social objectives. Thus this Court is of the considered view that while the requirement of production of certificate in a given case, be treated as directory if actual knowledge is otherwise established by cogent material, the requirement of possessing knowledge of Urdu in the context of the present Trust, is mandatory and essential. In absence of compliance with this substantive condition the eligibility of the person concerned stands vitiated. Consequently such person cannot be said to be duly qualified for appointment as a Trustee under the Scheme of the Trust.

41. Yakub Baig Trust has submitted that out of the total 17 candidates, candidate no. 1 Yusuf Akbar Khan, candidate no. 2 Mujaffar M. Mustafa Baig, candidate no. 3 Imran Salim Khan, candidate no. 5 Tausif Taslim Shaikh, candidate no. 6 Mustaq Nasir Inamdar, candidate no. 7 Ashraf Javid Sayyad, candidate

no. 8 Mohammad Rafique Makdumsab Shaikh and candidate no. 13 Ahmad Ali Soharab Alam Khan are fully qualified as per the scheme and the clauses mentioned in the public notice and corrigendum. Hence, out of the above 8 fully qualified candidates, 5 candidates shall be appointed as Trustees of the Applicant Trust as per the scheme and while making such appointment, the candidates namely Yusuf Akbar Khan, Mujaffar M. Mustafa Baig and Imran Salim Khan, being the existing trustees be re-appointed as Trustees since they have necessary experience of the Trusteeship. Yakub Baig Trust has recorded its objection to the appointment of other candidates as Trustees.

42. From perusal of the documents submitted by candidates it is apparent that candidate nos. 1, 4, 5, 13, 15 and 17 have only complied with the basic condition of minimum educational qualification as per clause 4(n) of the Scheme and therefore conclude that candidate nos. 2, 3, 6, 7, 8, 9, 10, 11, 12, 14, and 16 are not qualified to be appointed as trustees as per the scheme and hence their applications for appointment as Trustees deserves to be rejected. In such senerio I will have to consider whether candidates no. 1, 4, 5, 13, 15 and 17 complies with all other clauses of Scheme of Yakub Baig Trust.

43. Of the above candidates, candidate no. 4 Mansoor Mohammad Mustafa Yakub Baig, candidate no. 15 Mohammad Nauman Abdul Ajij Baig and candidate no. 17 Moinuddin Yakub Baig claims to be a Great-Great Grandsons of settlor late Yakub

Baig Isab Baig and belongs to Usman Baig branch.

44. Yakub Baig Trust has filed its say at Exh. 171, contending that candidate no. 4, 15 and 17 may not be appointed as Trustees. These candidates i.e. candidate no. 4, 15 and 17 are from the branch of Usman Baig. As per clause no. 3 of the scheme only one person from the branch of Usman Baig can be appointed as a Trustee.

45. The candidate no. 4 has produced on record the copy of Adhar Card, copy of Passport and Ration card which shows he is permanent resident of Panvel. Till today he was never appointed as a Trustee therefore the qualification of 4(a) and 4(d) of the Scheme are not applicable to him. Candidate no. 4 has declared that he has full faith and belief in teaching of Allah and Avaliya. Thereby he has complied the qualification as per clause 4(o) of the Scheme. As regards clause 4(b) of the Scheme, the Trust has contended that this candidate has acted against the interest of a Trust as contemplated under Maharashtra Public Trust Act, 1950 by contending that this candidate filed the applications that Applicant Trust is not a Trust but it is a Waqf as contemplated under the Waqf Act and it shows he is acting against the interest of the Applicant Trust. I do not agree with this submissions of the Trust as Whether Yakub Baig Trust is a Trust or Waqf is a legal issue pending before the Waqf Tribunal and it is always open to parties to contest status on the legal issues. It is contended by the Trust that since the Criminal Complaint applications are pending

against this candidate and that he has sold the Trust property at a meager consideration and has caused damage to the Trust, he has acted in collusion with the persons acting against the interest of the Trust, and therefore, he is not qualified to work as a Trustee as per clause 4(b) of the Scheme. Since no document is produced to show that this candidate is convicted in the alleged Criminal Complaint and no proof of alleged sell of the trust property is produced on record, it cannot be held that he is guilty for acting against the interest and activities of the Trust, and therefore it cannot be said that he has not complied with Clause 4(b) of the Scheme.

46. It is contended against candidate no. 4 that the complaints are filed against this candidate by the employees of the Trust in the year 2023 and 2024. It shows his conduct reflects an intemperate and unstable disposition and therefore not fit to be appointed as Trustee and he does not have a qualification as per clause 4(e) and 4(g) of the Scheme. It cannot be forgotten here that his brother Mr. Mujjafar M. Mustafa Baig was a Chief Trustee in the last tenure and therefore the possibility of this candidate being implicated in a false complaints by the employees of the Trust at his instance, cannot be ruled out. The trust has recorded that this candidate has complied with clause no. 4(h), 4(i), 4(j) and 4(k) of the scheme and therefore no more discussion is required in that regard. I do not find substance in the contention of the Trust that this candidate has not complied clause no. 4(l), 4(n) and 4(p) of the scheme.

47. Candidate no. 15 Mohammad Nauman Abdul Ajj Baig also claims to be from the branch of Usman Baig as Great-Great grandson of Settlor Yakub Baig Isab Baig. Yakub Baig Trust has submitted that this candidate has not shown that he is acquainted with Urdu Language and he is not qualified under clause 4(n) of the scheme and he has also drawn my attention to the order of Then Principal District Judge, in Civil M. A. No. 40/2020 and submitted that the certificate produced on record by this candidate issued by (Mufti) Mehmood Akhtarul Qadri, dt. 01.09.2022 has no significance and needs to be rejected and that he has not complied with clause no. 4(j), 4(k), 4(l) as also 4(n) of the Scheme. Adv. Smt. Pooja Jadhav has left it to the discretion of this Court as regard to this candidate. Considering that he is from the branch of Usman Baig and as per clause 3 of the scheme only one trustee can be appointed from the branch of Usman Baig, and considering that he is resident of Uran and not of the Panvel as can be seen from his own documents like the letter dt. 03.10.2017 from Chief Trustee of Yakub Baig Trust, Panvel and receipt dt. 29.10.2017 and he has not appeared for interaction on the date fixed or thereafter before this Court, I have no hesitation to record that though this candidate complies clause 4(n) of the scheme, as recorded above he is not qualified to be appointed as Trustee.

48. As regards candidate no. 17 Moinuddin Yakub Baig, the Trust has contended that then Principal District Judge has observed in a judgment in Civil M. A. No. 40/2020 in para 63 that he is not a permanent resident of Panvel City and he is

permanent resident of Nashik and therefore not fulfilled the condition no. 4(o) of the Scheme and disqualified him on the said ground alongwith the other observations made against him. In the present application as well, he has produced the leaving certificate issued by National High School for boys and the letter of the Chief Trustee of the Yakub Baig Trust to this candidate and the Receipt annexed with it. So also the certificate produced on record which seems to be issued by Raza Academy, shows his residential address at Nashik. Therefore I have no hesitation to say that this candidate is not a permanent resident of Panvel Township and he has not complied with condition no. 4(o) of the scheme. Moreover, as per clause 3 of the scheme only one person from the branch of Usman Baig can be appointed as a Trustee. Hence, I hold that candidate no. 17 is not qualified to be Trustee of Yakub Baig Trust, as per scheme. Candidate no. 2 Mujaffar M. Mustafa Baig also claims from the branch of Usman Baig however he is disqualified for not complying with clause no. 4(n) of the scheme as just because he is BSL LLB it cannot be accepted that he studied Marathi, English and Urdu upto 4th std. as no document in support thereof is produced on record and hence I have already observed that he is not qualified to be a Trustee. I have also recorded that Candidate no. 15 – Mohammad Nauman Abdul Ajij Baig is not qualified to be trustee as per the Scheme, as he claims for appointment as Trustee being person from branch of Usman Baig.

49. In view of the abovesaid discussion I hold that from

the branch of Usman Baig as per clause no. 3 of the Scheme, only candidate no. 4 Mansoor Mohammad Mustafa Yakub Baig, fulfills all the qualifications as per the Scheme of the Trust. Therefore this Court appoints Candidate no. 4 Mansoor Mohammad Mustafa Yakub Baig as trustee from the branch of Usman Baig, of Yakub Baig Trust Panvel.

50. Candidate no. 16 Moajjam Salim Baig claims that he is from the branch of Ahmed Baig who was the son of late Yakub Baig Isab Baig (settlor). However, since I have already recorded that he do not possess minimum educational qualification as required under clause 4(n) of the scheme, he cannot be appointed as Trustee from the branch of Ahmed Baig to the Yakub Baig Trust, Panvel.

51. Candidate no. 1, 5 and 13 according to the Yakub Baig Trust also has complied all the clauses of the scheme and submitted that they may be appointed as trustees. However, Adv. Smt. Pooja Jadhav in her say at Exh. 183 contended that candidate no.1 cannot be considered for appointment as Trustee as he was discontinued/removed by the Court order dt. 11.12.2024. I do not find substance in the said argument as the said order dt. 11.12.2024 was challenged in the Hon'ble High Court in Writ Petition No. 18892 of 2024 by the Yakub Baig Trust and the said Petition has been disposed off by Hon'ble High Court on 03.11.2025. By the said order the Hon'ble High Court continued the ad-interim order dt. 18.12.2024 till the hearing and final disposal of the present Civil M. A. No.

108/2024. Hence I do not find substance in the contention of Adv. Smt. Pooja Jadhav as regards Candidate no. 1.

52. As regards candidate no. 5 Tausif Taslim Shaikh Adv. Smt. Pooja Jadhav contended that this candidate has not submitted documents or declaration in respect of Marathi and Urdu language and in support of the permanent address and that the Sunni Certificate is not filed. To this, this candidate has filed say at Exh. 180 contending that he has complied all the conditions required to be complied with, as per the scheme. Further he has submitted that his father was appointed as a Trustee by this court earlier. I have already recorded that this candidate possess the minimum educational qualification as required under clause 4(n) of the scheme and therefore I find no substance in such argument. As regards the permanent address, the documents on records sufficiently show that he is resident of Panvel and he has also done schooling in Panvel. Moreover, his father was appointed as Trustee earlier by the order of this court and it is not the case of anyone that he claims from any of the branch of Usman Baig. As regards him, candidate no. 17 raised objection that this candidates name is appearing in the Ration Card of Khatunbi Ismail Shaikh who is grandmother of candidate no. 2 Mujjafar Baig who is chief Trustee. I have already recorded that candidate no. 2 is not qualified to be appointed as Trustee. Therefore, it is not acceptable that this candidate being relative of candidate no. 2 Mujjafar, not qualified to be Trustee of Yakub Baig Trust. Therefore, I have no hesitation to hold that candidate no. 5 has

fully complied all the conditions for appointment as Trustee, therefore he can be appointed as a Trustee as a person from “Sunni Hanafi Muslim Jamat’.

53. As regards candidate no. 13 Ahmad Ali Soharab Alam Khan, Yakub Baig Trust has submitted that he is fully qualified as per the scheme and the clauses mentioned in the public notice and the corrigendum. Here again Adv. Smt. Pooja Jadhav sought to challenge his Sunniyat Certificate and his knowledge of Marathi, English and Urdu. This candidate has filed on record the certificate issued by Raza Academy he being Hanafi Sunni Bareilvi Muslim. This candidate has also produced on record his HSC Certificate issued by the board as also the SCC Mark-sheet wherein it is shown that he had Urdu, Marathi-Hindi and English Subject. Therefore I do not find substance in her contention. Therefore, I have no hesitation to hold that candidate no. 13 has fully complied all the conditions for appointment as Trustee and therefore he can be appointed as a Trustee as a person from “Sunni Hanafi Muslim Jamat’.

54. In view of the discussion above I proceed to pass the following order -

:: **ORDER** ::

- 1 The application is allowed.
2. Candidate no. 1 **Yusuf Akbar Khan**, Candidate no. 4 **Mansoor Mohammad Mustafa Yakub Baig**, Candidate no. 5 **Tausif Taslim Shaikh**, Candidate no. 13 **Ahmad Ali Soharab Alam Khan** are hereby appointed as Trustees being member of board of Trustees of Yakub Baig Trust Panel as per the

scheme, for the period of 5 (Five) years.

3. The newly appointed Trustees are directed to hold their meeting within 10 days and elect one of them as Chief Trustee.
4. The newly appointed Trustees are directed to sign the necessary declaration as per Clause 6 of the Scheme.
5. The Applicant-Trust is directed to submit necessary change report to the Asstt. Charity Commissioner, Raigad-Alibag.
6. Civil M. A. No. 108/2024 stands disposed off accordingly.
7. The Hon'ble High court be informed about the disposal of present Civil M.A. No. 108/2024, in view of the directions issued by the Hon'ble High Court in Writ Petition no. 18892 of 2024.

Sd/-

Alibag.
Date :- 07.04.2026

(R. D. Sawant)
Principal District Judge,
Raigad-Alibag.

CERTIFICATE

I affirm that, the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer : Smt. S. S. Puro (Grade- I)

Court : Principal District Judge,
Raigad-Alibag.

Date of Order/Judgment : 07.04.2026.

Order/judgment signed by
the Presiding Officer on : 07.04.2026.

Order/judgment uploaded on : 07.04.2026.