

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1772 OF 2015

ABDUL BARI ABDUL RABBANI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Thorat Chandrakant R.
AGP for Respondents 1 and 2: Mr. G.K. Naik-Thigle
Advocate for Respondents 3 and 4: Mr. Ajinkya Reddy
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 2nd JULY, 2015

P.C. :-

1. Mr. Thorat. learned counsel for the petitioner submits that the proposal forwarded to the Education Officer by the Head Master seeking approval to the appointment of the petitioner is cancelled only on the ground that during relevant period there was ban on the recruitment vide Government Resolution dated 2.5.2012 and that candidates, who were declared as surplus were not appointed. It is submitted that the Education Officer never forwarded any person as surplus candidate to be absorbed in the institutions where the petitioner is working i.e. respondent Nos. 3 and 4, which is minority institution. The said Government Resolution is not applicable.

2. Learned A.G.P. states that in view of the Government

Resolution dated 2.5.2012 proposal has been rightly rejected.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. The petitioner was appointed on 16.8.2012. It is not disputed that the respondent institution where the petitioner was appointed is a minority institution. It does appear that the institution was directed to absorb any surplus candidate at the relevant time. So also it is a fact that the respondent institution is minority institution. In the light of that the impugned order (Exhibit A) is quashed and set aside. The respondent Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner and decide it on its own merits. However, shall not reject it on the ground that at the relevant time there was ban on recruitment or that surplus candidate is not absorbed. The said proposal be decided expeditiously, preferably within four months. Writ petition stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/