

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 2778 OF 2015**

Alfalha Education and Welfare Society,  
Ahmednagar and another .. Petitioners

**Versus**

The State of Maharashtra and others .. Respondents

Shri Ashwin V. Hon, Advocate for Petitioners.  
Smt. S. A. Dhumal, A. G. P. for Respondent Nos. 1 to 3.

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

**DATE : 29TH JULY, 2015.**

**PER COURT :**

. Heard the learned counsel for petitioners and the learned Assistant Government Pleader for respondents. The proposal seeking approval to the appointment of the petitioner No. 2 is rejected on the ground that there was ban on recruitment, though various other grounds are stated in the order. The affidavit is filed by the Deputy Education Officer, highlighting the point that during the relevant period there was ban on recruitment as per Government Resolution dated 02.05.2012 and the appointment of the petitioner No. 2 is dated 01.03.2013. It would be seen that, the earlier order rejecting the proposal seeking approval to the appointment of the petitioner No. 2 was

on the ground that there are surplus teachers required to be absorbed. The said ground was set aside by this Court and the matter was relegated back. However, same ground is again re-agitated that the permission is not sought. The petitioner is a minority institution as contended. The same reason is given while rejecting the proposal seeking approval.

2. In the result, impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner No. 2 and shall not reject on the ground that there was ban on recruitment or surplus teachers were required to be absorbed. In case some other compliance is required by the Education Officer regarding documents, the petitioners shall comply the same. The writ petition accordingly is disposed of. No costs.

**[ V. K. JADHAV, J. ]**

**[ S. V. GANGAPURWALA, J. ]**