

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 11090 OF 2014

1) MOHAMMED ABDUL SAYEED AYAZ MOHOMMED ABDUL JABBAR
AND 2) NAUSHABA FARHATH SHAIKH FAROOQ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH
WRIT PETITION NO. 11089 OF 2014

ABDUL SALIM ABDUL AZIZ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Choukidar Sanjay R.
AGP for Respondents:
Advocate for Respondents :

...
Advocate for Petitioners : Mr. Choukidar Sanjay R.
AGP for Respondents State: Mr. K. G. Patil
Advocate for Respondents : Mr. Irfan D. Maniyar

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

DATE : 31st July, 2015

PER COURT :

1. Mr. Choukidar, learned counsel for the petitioners submit that the petitioner are appointed in minority institution. The proposal seeking approval to the appointment of the petitioners was also approved by the Education officer. Thereafter, the said approval is cancelled on the ground that as per Government Resolution dated 2nd May, 2012 there was ban recruitment. Learned counsel submits that this Court, in Writ petition No. 116/2012, vide order dated 16th July, 2012, held that the said Government resolution would not apply to the minority institutions.

2. We have heard the learned counsel for the respective parties.

3. Learned AGP states that there are large number of surplus candidates required to be absorbed. As such, the Government resolution was issued putting ban on the recruitment. In violation of the said Government resolution dated 12th May, 2012, petitioners were appointed.

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

5. It is not disputed that the petitioners are appointed in the minority institution. It is also a fact that none of the surplus candidate was asked to be absorbed in the respondent minority Institution. The Respondent Institution has filled in the post by following due procedure of law. Even the Education Officer, after having satisfied that due procedure is being followed, granted approval to the appointment of the petitioners, however, subsequently after lapse of almost two years, the same is canceled.

6. Considering the fact that respondent institution had no directions to absorb surplus candidates and that the petitioners were appointed by following due process of law, the writ petitions are allowed. Rule is made absolute. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC