

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1934 OF 2015

Mr.Shaikh Faiyyaz Kankarbhai v/s. The Secretary/President, Dr.Zakir Hussain Education Society & ors.	...	...Petitioner ...Respondents
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Ms.Kumud A. Bhatia for the Petitioner.
Mr.Mithun Mahajan I/b Mr.Anilkumar Patil for Respondents Nos. 1 & 2.
Ms.S.S.Bhende, AGP for Respondents Nos. 3 to 5.

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**CORAM : ANOOP V. MOHTA &
A.A.SAYED, JJ.**

DATED : 17 OCTOBER 2015

ORDER:

Rule. Returnable forthwith. Heard finally by consent of parties.

2. We are inclined to dispose of the present Writ Petition as admittedly the Respondent-Management is minority institution and the Petitioner's appointment needs to be considered in that background. The issue of ban so referred and relied upon, in our view, is covered in view of the judgment of this Court dated 16 July 2012 in Writ Petition No.116 of 2013 (Momin Education Society v/s. Education Officer (Primary) Nanded & ors.) and the judgment of Division Bench of this Court dated 17 November 2014 in Writ Petition 5175 of 2014 (Alfalaha Education and Welfare Society

& anr. V/s. The State of Maharashtra & ors.). Therefore, there is no reason that the Petitioner should be deprived of his entitlement in view of the above judgments and the settled position of law.

3. The impugned order is, therefore, quashed and set aside. The Education Officer shall decide the proposal submitted by the Management and pass appropriate order in view of the above judgments on its own merits expeditiously and preferably within four months from today.

4. Rule made absolute accordingly. Necessary consequences shall ensue.

(A.A. SAYED, J.)

(ANOOP V. MOHTA J.)