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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12028/2015

Rahul William Hiwale & others.
...Petitioners..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri C.K. Shinde, Advocate for petitioners.
Shri V.H. Dighe, AGP for respondent nos.1 & 2.
Shri M.D. Patil, Advocate for respondent no.3.

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CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.

DATE: 30.08.2016

ORDER :

1] The petitioners assail the order rejecting the proposal seeking approval to the appointments of the petitioners. Learned counsel for the petitioners submits that this is a second round of litigation before this Court. Initially, the proposal seeking approval to the appointment of the petitioners was rejected vide order dated 26.8.2014. The same was assailed before this Court.

2] The learned counsel for the petitioners submits that by way of interim order, the Court directed the petitioners to submit the complete set of documents. The

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same is also submitted. The learned counsel submits that thereafter again for the same reasons, the Education Officer has rejected the proposal. The learned counsel submits that the petitioners are serving in a minority institution. As such the question of absorption does not arise nor the question of ban on recruitment, as contemplated in Government resolution dated 2.5.2012 would arise in the present case. The learned counsel submits that all the relevant documents were filed on record and even as per the order passed by the Division Bench of this Court in Writ Petition No.1164/2014 dated 8.5.2015, the question of applying TET qualification does not arise.

3] The learned AGP submits that out of five petitioners, in case of two, the question of TET qualification was raised by the Education Officer though the Government resolution dated 2.5.2012 may not apply, but the petitioners have to comply with other conditions.

4] We have considered the submissions.

5] The respondent no.3 - institution is a minority institution. The certificate to that effect is already issued on 3.11.2008. In view of that, the ban on

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recruitment vide Government resolution dated 2.5.2012 would not apply to minority institutions. As such, the said ground of rejection would not survive. It is submitted that the petitioners have submitted all the other documents.

6] In the light of the above, the impugned order is quashed and set aside. The respondent no.2 – Education Officer shall reconsider the proposal. The petitioners may put forth their stand before the Education Officer with regard to the qualifications and other aspects. The Education Officer shall consider the stand put forth by the petitioners and decide the proposal seeking approval to the appointment of the petitioners afresh. The petitioners may appear before the concerned Education Officer on 14.9.2016. The Education Officer shall, after hearing the petitioners, decide the same expeditiously and preferably within a period of three months from the date of appearance of the petitioners. The writ petition is disposed of accordingly. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)