

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5440 OF 2016

Sarvodaya Shikshan Sanstha ..Petitioner
Versus
The State of Maharashtra through
The Secretary, School Education Department,
Mantralaya, Mumbai – 400 032 and anr. ..Respondents

Mr. Narendra V. Bandiwadkar, advocate for the petitioner.
Mrs. Molina P. Thakur, AGP for respondent No.1.

**CORAM : SHANTANU KEMKAR &
RANJIT MORE, JJ.**

DATE : 4th MAY, 2016.

P. C. :

Parties through their counsel.

2. By filing this petition, the petitioners have challenged the order dated 19th May, 2015, passed by the Deputy Director of Education, Kolhapur Region, Kolhapur, rejecting the proposal for approval to the appointment of Shri Santosh Shrishail Metri as Shikshan Sevak in the petitioner's institution. Learned counsel for the petitioner submits that the petitioner is a minority institution. A certificate of the institution as minority institution is filed as "Exhibit A".

3. Having considered the submissions made by learned counsel for the parties and having gone through the averments made in the petition as also the judgment dated 2nd September, 2013 passed by

the Division Bench in the case of **Parbhani Education Society, Parbhani versus the State of Maharashtra in writ petition No.3707of 2013**, we are of the view that the question involved in this petition has already been considered and decided by this Court vide order dated 31st March, 2016 passed in the case of **Vinod Laxman Shelkar and anr. versus the State of Maharashtra and anr. in writ petition No.2207 of 2016**. In view of the aforesaid, we dispose of the petition in the following terms:

ORDER

- i) The impugned order is quashed and set aside;
- ii) Respondent No.2 is directed to consider afresh the proposal submitted by the petitioner for approval to the appointment of Shri Santosh Shrishail Metri as Shikshan Sevak in the petitioner's institution in the light of the observations made hereinabove.
- iii) Respondent No. 2 shall take decision as expeditiously as possible and, in any case, within a period of four weeks from the date of receipt of a copy of this order.
- iv) The parties shall act upon a copy of this order duly authenticated by the Registry of this Court.

[RANJIT MORE, J.]

[SHANTANU KEMKAR, J.]