

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8175 OF 2016**

Fajandar Education Trust

....Petitioner

versus

The State of Maharashtra and anr.

...Respondents

Mr. Narendra V. Bandiwadekar i/b. Mr. Sagar Mane, advocate for the petitioner.

Mr. P. G. Sawant, AGP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 26th JULY, 2016.

P. C. :

Heard Mr. Bandiwadekar, learned counsel for the petitioner and Mr. Sawant, learned AGP for the State.

2. On 22nd September, 2014, the petitioner submitted proposal to the Education Officer (Secondary), Zilla Parishad, Raigad, for grant of approval to the post of Junior Clerk- Shri Jhetam Faizal Abdul Qadeer. Since the Education Officer did not take any decision on the aforesaid proposal, the petitioner wrote another letter on 14th March, 2016, and requested the Education Officer to grant "No Objection Certificate" for appointment to the post of Junior and Senior Clerk.

3. The case of the petitioner is that they are the minority institution and, therefore, they are exempted from the ban imposed by Government Resolution dated 2nd May, 2012. The Education Officer by his letter dated 30th May, 2016, informed the petitioner that such

“No Objection Certificate” cannot be granted for the approval of clerical staff. At “Exhibit A” page 26, the petitioner has annexed the certificate from the competent authority – Additional Chief Secretary Minority Development Department, Government of Maharashtra. The certificate shows that the petitioner indeed is a minority institution. This fact is not disputed by Mr.Sawant, learned AGP. Thus, it is clear that the approval as asked by the petitioner cannot be rejected on the ground of ban imposed vide Government Resolution dated 2nd May, 2012. Similar issue was raised in **writ petition No. 2207 of 2016 in case of Vinod Laxman Shelkar and anr. versus the State of Maharashtra and anr..** This petition was disposed of by order dated 31st March, 2016 and we directed the Education Officer therein to consider afresh the proposal of the petitioner-institution.

4. In the above circumstances, we quash and set-aside the impugned order and direct respondent No.2-Education Officer (Secondary), Zilla Parishad, Raigad, to consider afresh the petitioner's proposal dated 22nd September, 2014. The petitioner's proposal shall be decided as expeditiously as possible and preferably within a period of four weeks from the date of receipt of this order. The writ petition stands disposed of accordingly.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]