

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 13072 OF 2016

Shri Gurasiddappa Malakappa Rabba ... Petitioner

Vs

The State of Maharashtra & Ors. ... Respondents

...

Mr. N. V. Bandiwadkar a/w Mr. Sagar A Mane i/b. M. G. Bagkar for
the Petitioner.

Ms. R. M. Shinde - AGP for the State.

**CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.**

DATE : 22nd DECEMBER, 2016.

P.C. :

. Feeling aggrieved by the inaction on the part of the Respondent No.2 after submission of the relevant documents as demanded vide letter dated 01.01.2015 Exh.F, the Petitioner has filed this petition. According to the Petitioner, out of the six deficiencies which were pointed out in the said communication dated 01.01.2015, the Petitioner had rectified the deficiencies in respect to five of them and was communicated vide letter dated

12.01.2015 Exh.G. In regard to deficiencies No. 3 pointed out in the said communication dated 01.01.2015, about submission of no objection certificate from the department, learned counsel for the Petitioner submits that the Petitioner being appointed in minority institution, the requirement of filling of no objection certificate of the department would not be necessary. According to the learned counsel for the Petitioner this point was though made clear vide letter dated 28 August 2015 Exh. H, but no heed has been paid by the Education Inspector to it.

2. Having considered the submission made by the learned counsel for the parties we dispose of this petition by directing the Respondent No. 2 to consider and pass appropriate order in regard to the proposal submitted by the Respondent No. 3 in regard to the appointment of the Petitioner. However, it is made clear that the Respondent No. 2 will not insist for no objection certificate in view of the law laid down by this Court in the case of **Vinod Laxman Shelkar & Anr. Vs. The State of Maharashtra & Anr. (Writ Petition No. 2207 of 2016)** decided vide order dated 31 March 2016).

3. Let the decision as aforesaid be taken by the Respondent No. 2 as expeditiously as possible but not later than 2 months from the date of receipt of copy of this order with the aforesaid directions. The petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU. S. KEMKAR, J.)