

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4495 OF 2017

Siddi Akil Siddi Mahemood

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Syed Masood Chand, Advocate for the Petitioner.

Shri G. O. Wattamwar, A.G.P. for Respondent Nos. 1 to 3.

Shri Advocate h/f Shri P. R. Katneshwarkar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVALA, JJ.**

DATE : 16TH JANUARY, 2018.

FINAL ORDER :

. The petitioner was declared surplus and was directed to join the respondent No. 4/school under order dated 02.03.2016. The grievance of the petitioner is that, the respondent No. 4 is not allowing the petitioner to join and resume the duties. According to the learned counsel, as the respondent No. 4 is a minority institution, it cannot be compelled to absorb the petitioner and on that ground is not allowing the petitioner to join.

2. The Government Resolutions are issued, wherein it is

unequivocally stated that a minority institution cannot be compelled to absorb the surplus teachers. The respondent No. 5 has stated on affidavit that, it is a minority institution. In view of that, it cannot be compelled to absorb the petitioner.

3. The respondent No. 3/Education Officer shall after satisfying itself that the respondent Nos. 4 and 5 are minority institution, shall direct the petitioner to be absorbed in any other institution as per the qualification of the petitioner. The said exercise shall be done expeditiously. The writ petition is disposed of. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 17