

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

WRIT PETITION NO. 9949 OF 2017

Shaikh Aalamgeer Shaikh Ameer,

Age : 29 years, Occu. Service as Assistant Teacher,

at Dr. Zakir Hussain Primary School Purna,

Tq. Purna, Dist. Parbhani.

... Petitioner

VERSUS

1. The State of Maharashtra,

Through its Secretary,

Education Department,

Mantralaya, Mumbai-32.

2. The Director of Education (Primary),

Pune.

3. The Dy. Director of Education,

Aurangabad Division, Aurangabad.

4. The Education Officer (Primary),

Zilla Parishad, Parbhani.

5. The Parbhani Education Society,

Parbhani, Through its President,

Dr. Zakir Hussain Nagar, Parbhani,

Tq. And Dist. Parbhani.

... Respondents

.....
Mr S. S. Manale, Advocate for the petitioner
Mr G. O. Wattamwar, AGP for respondent/State
Mr M. P. Kale, Advocate h/f Mr B. A. Shinde, Advocate for
respondent no. 4
Mr Ashok B. Tele, Advocate for respondents No. 5 and 6
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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 15TH JANUARY, 2018.

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.):

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties and taken up for final disposal at admission stage.

2. The petitioner was appointed as a Shikshan Sevak on 07.09.2012. The proposal seeking approval to the appointment of the petitioner as Shikshan Sevak was rejected. The petitioner filed WP bearing Writ Petition No. 3707 of 2013. This Court set aside the order rejecting the approval to the appointment of the petitioner on the ground that the institution where the petitioner is appointed is a minority institution and the question of absorption of surplus candidate would not arise. Rule made absolute in terms of prayer clause 'C' in the said petition. Thereafter, the Education Officer

granted approval to the appointment of the petitioner as Shikshan Sevak. Subsequently, on completion of three years, approval to the appointment of the petitioner as a Shikshan Sevak was sought. It was rejected. The petitioner again filed a Writ Petition before this Court bearing Writ Petition No. 1855 of 2016. The order rejecting the approval to the appointment of the petitioner was set aside. The court observed that, the reliance on Govt. Resolution dt. 02.05.2017 was misplaced as the Institution is a minority institution. Thereafter, the Education Officer (Primary) granted an approval to the appointment of the petitioner as a Assistant Teacher under order dt. 23.05.2016. Again under impugned order dt. 31.05.2017, the order granting approval to the petitioner's appointment as a Assistant Teacher was quashed and set aside.

3. Mr Kale, learned counsel submits that, the Government Resolutions were not followed and the GRs issued from time to time by the Government were not followed.

4. Twice this Court had set aside the order refusing approval to the appointment of the petitioner as Asst. Teacher and Shikshan Sevak holding that the petitioner is appointed in a minority institution and the Government Resolution with regard to ban on

recruitment would not apply. Still under impugned order the approval already granted is cancelled.

5. Considering the earlier orders passed by this Court, the impugned order cannot be sustained. The impugned order dt. 31.05.2017 is quashed and set aside.

6. Rule is, accordingly, made absolute in above terms. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde