

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

BENCH AT AURANGABAD.

WRIT PETITION NO.102 OF 2017

Acharya Vinoba Bhave Education
Society and another. ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.P.G.Rodge, advocate for the Petitioners.
Mrs.M.A.Deshpande, Additional Government Pleader
for the State.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 29.01.2018.

PER COURT :

1. The petitioners assail the order dated 22.9.2016 issued by the Commissioner, Tribal Development, directing the petitioners to absorb surplus candidate, failing which the grants of the petitioners' institution will be withheld.

2. We have heard learned counsel for the

petitioners and learned Additional Government Pleader for the State.

3. The Government Resolution dated 13.7.2016 provides that the surplus candidates can be absorbed in minority institution at the will of the minority institution and if the minority institution is not ready to absorb surplus candidates the proposals should be accepted for approval from such minority institution. Such institutions are exempted from proviso to Section 5 of the MEPS Act.

5. Considering above, the impugned communication is quashed and set aside. The Respondents shall consider the proposal submitted by the petitioners seeking approval to the appointment made by it on its own merits in accordance with law expeditiously, preferably within six (6) months.

6. The Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

asp/office/wp102.17

