

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

BENCH AT AURANGABAD.

WRIT PETITION NO.14901 OF 2017

Geetanjali D/o Pandurang
Mule. ... Petitioner.

Versus

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

...

Mr.R.I.Wakade, advocate for the petitioner.
Mrs.Vaishali Patil Jadhav, A.G.P. for the State.
Mr.D.A.Karnik, advocate for Respondent Nos.5 and
6.
Respondent No.4 absent.

...

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

Date : 19.01.2018.

PER COURT :

1. Though Respondent No.4 is served, none
appears for Respondent No.4.

2. Learned A.G.P. appears for Respondent
Nos.1 to 3.

3. Mr.Karnik, learned counsel appears for Respondent Nos.5 and 6.

4. The proposal seeking approval to the appointment of the petitioner as Shikshan Sevak is rejected under the impugned order. The ground for rejection is that there are large number of surplus teachers available to be absorbed and as such the petitioner could not have been appointed.

5. It is stated that Respondent No.5 is a minority institution. Certificate to that effect dated 31.7.2004, is relied.

6. If the institution is minority institution then the said minority institution can not be compelled to absorb surplus candidates. As such the rejection of the proposal on the said ground is improper.

7. Of-course, the Education Officer has to consider about due adherence to the procedure and adherence to the roster.

8. Considering above, the impugned order is quashed and set aside. The Education Officer shall decide the proposal seeking approval to the appointment of the petitioner afresh and shall not reject it on the ground that surplus candidates were to be absorbed. The said proposal shall be decided expeditiously, preferably within four (4) months.

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

(ARUN M.DHAVALA, J.)

(S.V.GANGAPURWALA, J.)

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