

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

WRIT PETITION NO.6773 OF 2018

Shri. Vilas Ramrao Rathod & Anr. Petitioners
Vs.
The State of Maharashtra & Ors. Respondents

Mr. N.V. Bandiwadekar I/by Ms. Ashwini Bandiwadekar for
Petitioners.

Ms. Vaishali Nimbalkar, AGP for Respondent no.1.

Mr. Mandar Limaye for Respondent no.2

Coram : SMT. SADHANA S. JADHAV, J.

Date : 4th October 2018.

P.C.:

1 Heard. Rule. Rule made returnable forthwith with the
consent of the parties.

2 The petitioner no. 1 herein happens to be appointed as
Shikshan Sevak in the School of petitioner no. 2 i.e. the School run
by Shri. Prakashanand Rupadevi Trust, Thane. It appears from the
papers that the School is run by a minority institution. The
petitioner no. 1 impugns the order dated 29th November 2017 passed
by the Education Officer i.e. respondent no.2. The post of petitioner

no.1 has not been approved on the ground that the petitioner no.1 was appointed during the banned period i.e. after Government Resolution dated 2nd May 2012.

3 In fact the said G.R. would not be applicable to the Schools run by the minority institution and this Court in catena of decisions has held that the said G.R. is not applicable to the appointments of the teachers working in the minority institutions. In view of this, the impugned order deserves to be quashed and set aside by following order :

ORDER

(i) The impugned order deserves to be quashed and set aside.

(ii) The respondent no. 2 is directed to consider afresh the proposal submitted by the petitioner no.2 for approval to the appointment of Shri. Vilas Ramrao Rathod as Shikshan Sevak in the petitioner no. 2- institution in the light of the observations made hereinabove.

(iii) Respondent no.2 shall take decision as expeditiously as possible and in any case, within a period of eight weeks from the date of receipt of copy of this order.

(iv) Parties shall act upon authenticated copy of this order.

Rule is made absolute in the above terms.

(SMT. SADHANA S. JADHAV, J.)