

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4641 of 2017

Shri Gagan Phirtura Jaiswar and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Narendra V. Bandiwadekar i/b. Mr. Mandar G. Bagkar, advocate for the petitioners.

Mr. S. B. Kalel, AGP for the State.

Mr. A. S. Rao, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.**

DATE : 4th APRIL, 2018.

P. C. :

Heard learned counsel and learned AGP appearing for the respective parties.

2. By filing this petition, the petitioners have challenged the order dated 23rd February, 2016, passed by the respondent No.2 rejecting the proposal for approval to the appointment of the petitioner No.1 as Shikshan Sevak in the petitioner No.2-Institution. There is no dispute that the petitioner No.2 is a minority institution.

3. Having considered the submissions made by learned counsel for the parties and having gone through the averments made in the petition as also the judgment dated 2nd September, 2013 passed by the Division Bench in the case of **Parbhani Education Society, Parbhani**.

versus the State of Maharashtra in writ petition No.3707 of 2013,

we are of the view that the question involved in this petition has already been considered and decided by this Court vide order dated 31st March, 2016 passed in the case of **Vinod Laxman Shelkar and anr. versus the State of Maharashtra and anr. in writ petition No.2207 of 2016.** In view of the aforesaid, we dispose of the petition in the following terms:

O R D E R

- i) The impugned order is quashed and set aside;
- ii) The respondent No. 2 is directed to consider afresh the proposal regarding approval to the appointment of the petitioner No.1 as Shikshan Shevak in the petitioner No.2- Institution in the light of the observations made hereinabove.
- iii) The respondent No. 2 shall take decision as expeditiously as possible and, in any case, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of.

4. All concerned shall act upon a copy of this order duly authenticated by the Registry of this Court.

(SMT. SADHANA JADHAV, J.)

[RANJIT MORE, J.]