

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

1051 WRIT PETITION NO.4248 OF 2018

SAJID MOHAMMED YUNUS AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Yogesh B. Bolkar, Advocate for the Petitioners.
Mrs. P. V. Diggikar, AGP for Respondents-State.
Mr. N. N. Desale, Advocate for Respondent Nos.4 and 7.
Mr. Vishnu Madan Patil, Advocate for Respondent Nos.5 and 6.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 18th JANUARY, 2019.

PER COURT:-

1. Mr. Bolkar, learned counsel for
petitioners submits that the proposal submitted by
the management seeking approval to the appointment
of petitioners is not decided by the Education
Officer on the ground that there is dispute in the
management. The learned counsel submits that
petitioners have been appointed by following due
selection process. The respondent-institution is
minority institution.

2. The Education Officer has to consider the
requirements as given in the Government Resolution
dated 12.09.2017.

3. Mr. Desale, learned counsel for

respondents supports the order.

4. The Education Officer has to consider whether proper selection process has been followed. In case, of minority institution, as per Rule 3 of the M.E.P.S Rules, the right is given to the minority institution to fill some post of their choice. Be that as it may, if Government Resolution dated 12.09.2017 prescribed the requirements to be adhered to for giving approval, reference can be had to Clause 9 of the Government Resolution dated 12.09.2017.

5. Considering the above, the Education Officer shall consider the Government Resolution dated 12.09.2017 and pass appropriate order on the proposal seeking approval to the appointment of petitioners. The same shall be done expeditiously and preferably within a period of four (04) months. The petitioner may present himself before the Education Officer. Till the proposal is decided, no adverse action be taken against petitioners.

6. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE