

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

912 WRIT PETITION NO.12962 OF 2018

MOHD SHAKERUDDIN NAZEEMUDDIN SIDDIQUI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. S. Panpatte, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. R. R. Shaikh, Advocate for Respondent Nos.5 and 6.

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

DATED : 13th FEBRUARY, 2019.

PER COURT:-

1. The petitioner was appointed as Junior Clerk. The Education Officer granted approval to the appointment of the petitioner on probation. Thereafter, permanent approval is also granted to the appointment of the petitioner as Junior Clerk. Subsequently, the Deputy Director of Education has set aside the appointment of the petitioner on the ground that the appointment has been made during the period the ban on recruitment exists.

2. It appears that, the management had given an application on 05.01.2010. Thereafter, advertisement was issued and the petitioner was appointed on 25.06.2011.

3. The respondent-institution is a minority institution. The certificate to that effect is also placed on record.

4. Even otherwise, the respondents cannot direct the minority institute to absorb surplus candidates against their will. The period when the petitioner was appointed was not a ban period as per the Government Resolution.

5. In light of the above, the impugned order is quashed and set aside. The necessary consequences would follow.

6. Writ petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE