

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

WRIT PETITION NO.3676 OF 2019

Shri Jagdish Babanrao Deokar and anr. ... Petitioners

Vs.

The State of Maharashtra and anr. ... Respondents

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

Mr.C.D.Mali, AGP for Respondent No.1.

Mr.Mandar Limaye, Advocate for Respondent no.2

CORAM : UJJAL BHUYAN, J.

DATE : NOVEMBER 29, 2019.

P.C.:-

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

2. 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 as a minority institution. Petitioner No.1 impugns the order dated 28th 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 petitioner No.1

was appointed during the ban period i.e. after Government Resolution dated 2nd May 2012.

3. It is contended that the said G.R. would not be applicable to Schools run as minority institutions and this Court in a catena of decisions has held that the said G.R. is not applicable to appointment of teachers working in minority institutions.

4. In view of the above, impugned order deserves to be quashed and set aside.

5. Accordingly, the following orders are passed :

O R D E R

(i) Impugned order dated 28th November, 2017 is set aside and quashed.

(ii) Respondent No.2 is directed to consider afresh the proposal submitted by the petitioner No.2 for approval to the appointment of Shri. Jagdish Babanrao Deokar as Shikshan Sevak in the petitioner No.2 institution in the light of the observations made herein above.

(iii) Respondent No.2 shall take the decision as above 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.

(UJJAL BHUYAN, J.)