

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10013 OF 2016

Dr. Digambar Mahadev Zombade

and another

..Petitioners

Versus

The Secretary, Sangameshwar Education

Society, Sangemshwar College, Solapur

and others

..Respondents

None for the Petitioners.

None for the Respondents.

CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.

DATE : 25th JUNE, 2019

P.C.

1] Notwithstanding none appearing for the Petitioners at the hearing today; further noting that the Writ Petition is being taken up for a preliminary hearing today, we have perused the averments made in the Writ Petition and the prayer made therein. As pleaded in the Writ Petition, the 2nd Respondent college was accorded status of a Linguistic Minority Institution for the academic year 2014-2015 onwards as per communication dated 6th February 2015. It is pleaded

in the Writ Petition that till the academic year 2014-2015, 5 posts out of 17 in the teaching faculty were to be filled up from members of the reserved communities. Challenge is to an advertisement issued by the 2nd Respondent on 07.09.2015 to fill up the posts without reservation for members of the Scheduled Caste and Scheduled Tribe.

2] It is prayed in the Writ Petition that such vacancies which had accrued prior to Respondent No.2 being conferred with the status of a Linguistic Minority Institution should be filled up as per the reservation policy of the State.

3] No provision of law has been pleaded in the Writ Petition for said proposition of law asserted.

4] Prima-facie, once an institution is conferred status of a Linguistic Minority Institution, it would be entitled to make appointments *dehors* the reservation policy unless there is a legislation enjoining upon the minority institution to give effect to the reservation policy of the State.

5] Be that as it may, appointments pursuant to the
BGP.

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advertisement issued on 07.09.2015 would have been made by now.

6] The Writ Petition is dismissed.

N. M. JAMDAR, J

CHIEF JUSTICE