

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

WRIT PETITION NO.2116 OF 2021

Linesh Pandurang Dhuri	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr. M. N. Gawankar for the Petitioner.
Mrs. P. J. Gavhane, AGP for the Respondent-State.

**CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.**

**DATE : 23 JUNE 2021.
(Through Video Conferencing)**

P.C.

. Heard learned Counsel for the parties.

2. The Petitioner has challenged the order dated 15 March 2021 rejecting the proposal sent by Respondent No.3 Management in respect of the approval to the appointment of the Petitioner as a librarian.

3. The learned Counsel for the Petitioner contends that the impugned order relies on the Government Resolution dated 4 May 2020 and the communication dated 5 May 2020 which are not applicable to Respondent No.3-Institution and

Respondent No.4 School as the Respondent No.3 is a minority institution.

4. We do not find that the proposal of the Petitioner mentions this fact and annexes necessary documents. Therefore the factual position on which the impugned order is assailed was not brought to the notice of the Respondent authority.

5. The Petitioner will make a representation to the Respondent-Education authority and for reconsideration of the impugned order on the above ground. Once such a representation is made the authority will decide the same as per law. We make it clear that we are not commenting upon the legal position as to whether being a minority institution, the concerned Government Resolution is not applicable to the Respondent No.3-Institution. This aspect will be considered by the Education Authority on its own merits, once necessary documents and factual position is placed on record by the Petitioner.

6. With these observations, the Writ Petition is disposed of.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)