

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1948 OF 2020

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| <ol style="list-style-type: none">1. Gondia Education Society, Gondia through its Authorized Signatory Nikhil Rajendra Jain, aged 30 years, having office at N.M.D. College Campus, Gondia, Dist. Gondia2. J. M. Patel Arts, Commerce and Science College, Bhandara through its Principal Dr.Vikas Prabhakar Rao Dhomne, aged 57 Years, Bhandara, Dist. Bhandara | } | .. Petitioners |
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Versus

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| <ol style="list-style-type: none">1. The State of Maharashtra through its Secretary, Department of Higher and Technical Education, Mantralaya, Mumbai – 4000322. The State of Maharashtra through its Secretary, Finance Department, Mantralaya, Mumbai – 4000323. The Director of Higher Education, State of Maharashtra, Central Building, Pune 4110014. The Joint Director of Higher Education State of Maharashtra, Nagpur Division, Civil Lines, Nagpur – 411001 | } | .. Respondents |
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Mr. B. G. Kulkarni, Advocate for petitioners.

Mr. S. M. Ukey, Addl.G.P. for respondents.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 02/12/2021

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard. **Rule.** Rule made returnable forthwith.
Heard finally by consent of the learned counsel for the parties present before the Court.

(2) The issue involved here is only about issuance of NOC by respondent No.4 for filling up the sanctioned four posts of Assistant Professor.

(3) The reply filed on behalf of respondent Nos.1 to 4 is quite favourable to the petitioners. It is only said that the NOC is not being issued only for the reason of the operation of the Government Resolution dated 04/05/2020, which states that during Covid Pandemic, no such decision as would involve incurring of expenditure be taken. The reply also states that as soon as the State Government relaxes its policy about the filling up of new posts, the NOC would be issued by respondent No.4 to the petitioner. Now, the restrictions which were brought in place vide GR dated 04/05/2020 have been relaxed and the way to issuance of the requisite NOC has been opened up, as seen from the GR dated 12/11/2021.

(4) In view of the above, we allow the petition and direct the respondent No.4 to issue NOC to the petitioners within **four weeks** from the receipt of the order.

(5) Rule is made absolute in above terms. No costs.

[ANIL L. PANSARE J.]

[SUNIL B. SHUKRE J.]

KOLHE