

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 WRIT PETITION NO.13214 OF 2019

SHAIKH RIJWANA BEGUM MOHAMMAD SHAFIYODDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vijay B. Patil
AGP for Respondent / State : Mr. A.S. Shinde
Advocate for Respondent No.4 : Mr. D.S. Mali
Advocate for Respondent Nos.5 & 6 : Mr. P.M. Nagargoje h/f.
Mr. S.P. Urgunde

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CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.

DATE : 19-09-2022

ORAL ORDER (PER S.V. MARNE, J.) :

. By the present petition, the petitioner challenges the communication dated 16.08.2019 by which the proposal for approval on the post of Shikshan Sevak has been rejected *inter alia* on the ground that the school did not have minority status. Two other grounds of surplus teachers and non possession of TET qualification are also mentioned in the impugned communication.

2. The learned advocate for the petitioner as well as respondent nos.5 and 6 have submitted before us that the school was indeed identified as a minority education institution, but the relevant certificate was erroneously not placed along with the proposal. They,

therefore, pray that the Education Officer be directed to reconsider the proposal considering the minority status of the school.

3. Learned advocate appearing for respondent no.4 is agreeable to this.

4. In view of the above, the following order is passed:

ORDER

(i) The impugned communication dated 16.08.2019 is set aside.

(ii) The respondent - Management may submit a fresh proposal before respondent no.4 along with copy of a certificate certifying that the school has been identified as minority education institution. The said proposal be decided within a period of four months from today.

(iii) It is made clear that we have not considered the merits of the other two objections of surplus teacher and non possession of TET qualification. All the issues are accordingly left open.

5. Writ Petition stands disposed of.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)