

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.8344 OF 2021

Komal Shivkumar Tripathi

...Petitioner

Vs.

The State of Maharashtra through
the Secretary School Education Department
and Anr.

...Respondents

Mr. Vinayak R. Kumbhar for the Petitioner.
Mrs. P. J. Gavhane, AGP for Respondent-State.

CORAM : NITIN JAMDAR &
AMIT B. BORKAR, JJ.

DATED : 4 JANUARY 2022.
(Through Video Conferencing)

P. C. :

Heard learned counsel for the parties.

2. Petitioner is aggrieved by the communication issued by Respondent No.2-Administrative Officer dated 31 December 2020 refusing to grant approval to the proposal of the appointment of the Petitioner.

3. Learned counsel for the Petitioner submitted that the Administrative Officer has not taken into consideration the fact of Petitioner No.2 is a minority Institution before invoking the ground of surplus teacher to be absorbed. However, it is seen that in the proposal submitted there is no reference of the Petitioner being a minority Institution. That being the position the impugned order stated to be passed in ignorance of petitioner's status, cannot be faulted.

4. Granting liberty to the fresh proposal setting out its minority status as alleged along with necessary documentation and directing consideration of such proposal by Respondent No.2, we dispose of the petition. Upon fresh proposal so submitted, Respondent No.2 will consider the proposal so submitted afresh as per law.

5. Learned AGP states that Respondent No.1 will inform the Respondent No.2 of the order passed.

(AMIT B. BORKAR, J.)

(NITIN JAMDAR, J.)