

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

WRIT PETITION NO.8416 OF 2021

Smt. Vanita Bhiva Ohol

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Y. B. Lengare, for the Petitioner.

Smt. P. J. Gawhane, AGP for the Respondent.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : 9th DECEMBER, 2022

PC.

1. Vide order impugned dated 15th March, 2021, the respondent/Education Officer has rejected the prayer of the respondent/management for grant of approval to the appointment of petitioner as Shikshan Sevak on the ground that the respondent/society has lost its status as that of minority institution.

2. Counsel for the petitioner has invited our attention to the order dated 7th February, 2020 passed in Special Leave to Appeal (Civil) No.3036 of 2020 which was arising out of the judgment and order dated 18th November, 2019 passed in Writ Petition No.6576 of 2017 by this Court. According to him, interim relief granted by this Court is continued till this date as the SLP is pending consideration admission.

3. He would urge that while passing the order impugned the Education Officer has failed to consider the aforesaid issue.

4. Learned AGP would submit that the Court in the facts and circumstances of the case may pass appropriate order.

5. The fact remains that the issue as to whether the respondent/management possess minority status pursuant to Article 30 of the Constitution of India is subjudice before the Apex Court in which interim relief is already continued.

6. The effect of the order of the Apex Court referred hereinabove is not at all dealt with by the Education Officer while dealing with the claim of the petitioner for grant of approval. Rather the Education Officer has gone a step ahead by directing the respondent/management to terminate services of the petitioner which is not within the ambit as to whether the petitioner is to be continued in the employment of the respondent is an independent issue than the issue of grant of approval, as the management can continue the petitioner on its roll independent of the sanction by the Education Officer.

7. In the aforesaid background, the impugned order dated 15th March, 2021 is quashed and set aside.

8. We direct the petitioner to appear before the Education

Officer, who shall consider the present petition and the order of the Apex Court and shall pass order, may be, if so required by granting approval to the petitioner subject to final outcome of the SLP referred above.

9. The petition stands partly allowed in above terms.

[SHARMILA U. DESHMUKH, J.]

[NITIN W. SAMBRE, J.]