

Shiv

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

WRIT PETITION NO.7894 OF 2022

Vinaya Darriel Lopes & Anr. ... Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. N.V. Bandiwadekar i/b Mrs. Ashwini Bandiwadekar for the Petitioners.
Mr. S.B. Kalel AGP for the Respondent-State.

**CORAM : S. V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : 7TH JULY 2022

PC. :

1. The learned counsel for Petitioners submits that Petitioner No.1 is appointed as a Junior Clerk with Petitioner No.2-School. Petitioner No.2 is a minority institution and certificate to that effect is issued on 25th February 2009. The same is placed on record.
2. The proposal for appointment of Petitioner No.1 was rejected on the ground that there was ban on recruitment during appointment of the Petitioner.
3. The learned counsel for the Petitioners relied upon the judgment of the Division Bench of this Court dated 27th June 2019 in Writ Petition

No.7962 of 2017 along with Writ Petition No.4350 of 2017 and the order dated 20th June 2022 passed in Writ Petition No.1615 of 2022 to submit that ban on recruitment effected subsequently would not apply.

4. In the light of above, the impugned order is quashed and set aside.
5. The Education Officer shall reconsider the proposal seeking approval of the appointment of Petitioner No.1 as a Junior Clerk considering the staffing pattern as was applicable as on date Petitioner No.1 was appointed and shall take decision afresh. The said decision shall be taken within four months.
6. The Writ Petition is disposed of. No costs.

(S. M. MODAK, J.)

(S. V. GANGAPURWALA, J.)