

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3205 OF 2022

Kiran Rakesh Mishra	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

WITH
INTERIM APPLICATION (L) NO. 15455 OF 2021
IN
WRIT PETITION NO. 3205 OF 2022

Sunita Pralhad Pathak	...	Applicant
In the Matter Between :		
Kiran Rakesh Mishra	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Sarnath Sariputta Pramod, Advocate for the Petitioner.
Smt. S. S. Bhende, AGP for the Respondents/State.
Mr. Sandeep Shinde, Advocate for Respondent No.4.
Mr. Mayuresh Lagu, Advocate for Intervenor.

**CORAM: S.V. GANGAPURWALA &
R. N. LADDHA, JJ.**
DATED : SEPTEMBER 21, 2022

P.C.

1. The proposal seeking approval to the appointment of the petitioner is rejected.
2. The learned Counsel for the petitioner submits that the proposal is rejected on erroneous ground. The petitioner is working in minority institution. The minority institution is not required to absorb surplus candidate.
3. The learned Advocate for intervenor submits that the intervenor is senior to the petitioner. The intervenor has

filed a compliant. The complaint is pending before the Administrative Officer.

4. The minority institution cannot be ordered to absorb surplus teachers against the wish of the minority institution.

5. Considering the claim made by the intervenor and the petitioner, we pass the following order :

ORDER

- i) The impugned order is quashed and set aside.
- ii) The Administrative Officer and/or the Committee constituted under the Government Resolution dated 26th February 2020 shall consider the complaint of the intervenor as well as the present petitioner and take decision upon it.
- iii) The petitioner, the intervenor and the school authority shall appear before the Committee constituted under the Government Resolution dated 26th February 2020 on 4th October 2022.
- iv) The Committee after hearing the parties shall take appropriate decision with regard to the claim of the petitioner and the intervenor expeditiously.
- v) The writ petition is accordingly disposed of. No costs.
- vi) In view of disposal of writ petition, interim application shall also stand disposed of.

(R. N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)