

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

WRIT PETITION NO.9523 OF 2021

Niraj R. Upadhyaya

..... Petitioner

Vs.

Hindi Junior College of Arts,
Science, Commerce Thr.Its
Secretary and Ors.

..... Respondents

Mr.Kashyap Bhalerao for the Petitioner

Mr.N.C.Walimbe, A.G.P. for the State

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

DATED : JUNE 22, 2022

P.C.

1. The proposal seeking approval to the appointment of the petitioner as a Medical Lab Technician is rejected. The petitioner was appointed on 01.12.2014. The proposal seeking approval is rejected on the basis of G.R. dated 12.09.2017 and 06.02.2012. The petitioner claims that the institution where the petitioner is appointed is a minority institution.

2. The learned counsel for the Petitioner submits that in respect of the same Management, similar orders are passed in respect of other employees and this court, in Writ Petition No.5715 of 2014 under order dated 14.03.2017 and in Writ Petition No.6833 of 2015 under order dated 23.03.2017 had set aside the orders holding that G.R. dated 06.02.2012 does not apply to the minority institution.

3. As far as G.R. dated 12.09.2017 is concerned, same may not apply as the appointment of the petitioner is dated 01.12.2014. As on the date the petitioner was appointed, G.R. would not be in force.

4. In the light of the above, impugned order is quashed and set aside.

5. Deputy Director (Vocational Education and Training) shall reconsider the proposal seeking approval to the appointment of the petitioner and in case the petitioner shows that institution where he is appointed is a minority institution shall not reject the said proposal on ground of G.R.s dated 06.02.2012 so also 12.09.2017.

6. The said proposal be decided afresh preferably within four months.

7. Writ Petition is disposed of. No costs.

(S.M.MODAK, J.)

(S.V. GANGAPURWALA, J.)