

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1615 OF 2022

Renita Austin Rodrigues	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. N. V. Bandiwadekar i/b. Mrs. Ashwini N. Bandiwadekar,
Advocate for the Petitioner.

Mr. N. C. Walimbe, AGP for the Respondents/State.

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

DATED : JUNE 20, 2022

P.C.

1. We have heard the learned Counsel for the petitioner. The proposal seeking approval to the appointment of the petitioner as librarian is rejected on the ground that as per Government Resolution dated 12th February 2015, there is ban on recruitment.

2. The learned Counsel for the petitioner relied on the judgment of the Division Bench of this Court dated 27th June 2019 in Writ Petition No.7962 of 2017 and Writ Petition No. 4350 of 2017 to contend that this issue was subject matter of consideration in those petitions and it was held that minority institutions are entitled to make appointments. It is held that the policy contained in the Government Resolution dated 12th February 2015 is not applicable for minority institution. In the present matter, the respondent

No.4 school is run by respondent No.3 Society which is a minority institution. With regard to the status of respondent No.3 Society as minority institution, a certificate to that effect is also issued. The said certificate is issued on 17th July 2009.

3. In light of that the impugned order is quashed and set aside.

4. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner as librarian considering the staffing pattern as was applicable as on date the petitioner was appointed and shall take decision afresh. The said decision shall be taken within four months.

5. The writ petition is disposed of. No costs.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)

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