

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9080 OF 2021

Nazisha Farhana Abddul Rehman Shaikh ...Petitioner.
Versus
The State of Maharashtra & Others. ..Respondents.

Mr. Satish S. Raut, Shaikh Abdul Azim Mohd. Hanif for the Petitioner.
Smt. P.J. Gawhane, AGP for Respondent No.1-State.
Ms. Manisha Jagtap and Reha Francis for Respondent Nos.2&3-PMC.

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

Date : December 22, 2022.

P. C. :

1. Heard.

2. The challenge is to the order dated 4th October, 2014 which is produced at Exh.H, issued by the Head of Education Department of Respondent No.3-Municipal Corporation.

3. The proposal forwarded by Respondent No.4, a minority institution, seeking approval to the appointment of Petitioner was rejected by the impugned order for the reasons that prior permission of Respondent No.3 was not obtained and the surplus teachers on the establishment of Respondent No.3, though available, are not absorbed.

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4. The counsel for the Petitioner drawing support from the Division Bench Judgment (Aurangabad Bench) of this Court in the matter of *Parbhani Education Society vs. The State of Maharashtra*, Writ Petition No.3707 of 2013, decided on 2nd September, 2013 would urge that the minority institutions are excluded from the purview of the permission being obtained from Respondent No.3 for filling up the posts and also the absorption of surplus teachers from the establishment of the said authority.

5. The counsel for Respondent No.3 submits that the petition is preferred at a belated stage without there being any explanation.

6. Be that as it may, we direct Respondent No.4 to submit a fresh proposal disclosing that Respondent no.4 is a minority institution, to Respondent No.3, in relation to grant of approval to the appointment of Petitioner within a period of six weeks from today.

7. We expect Respondent no.3 to take decision on the said proposal having regard to the decision of this Court in the *Parbhani Education Society (supra)*. We direct Respondent No.3 to take decision on the proposal forwarded by Respondent No.4 in relation to grant of approval to the appointment of Petitioner as expeditiously as possible and in any case within the period of 12

weeks from the date of receipt of the said proposal.

8. The petition stands partly allowed in the above terms.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]