

TRUSHA
TUSHAR
MOHITE

Digitally signed by
TRUSHA TUSHAR
MOHITE
Date: 2022.09.10
16:48:58 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3844 OF 2021

Yateemkhana and Madrasa Anjuman
Khairul Islam Trust and Ors.

..... Petitioners

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. N.V.Bandiwadekar a/w Mr.Rahul S. Kadam for the Petitioners

Mr.S.B.Gore, A.G.P. for the State / Respondent no.1

Mr.Burhan Bukhari a/w Ms.Vandana Mahadik for MCGM /
Respondent nos.2 and 3

**CORAM: S.V.GANGAPURWALA &
R.N.LADDHA, JJ.**

DATED : SEPTEMBER 6, 2022

P.C.

1 The Petitioners had submitted the proposal seeking approval to the appointment of the Petitioner nos.4 and 5 as 'Shikshan Sevak'. Communication is made to the Petitioner by the authority that the procedure shall be followed as per the scale under reference in the said letter.

2 We have heard the learned Counsel for the Petitioner and Respondents.

3 The Petitioner nos.1 and 2 claim to be minority institution. The G.R. issued by the Government prescribes that the minority institution cannot be directed to absorb surplus candidates against their choice. Minority Institution certainly cannot be directed to absorb surplus candidates. However, the minority institutions are also required to consider the qualification of the persons to be appointed, maintenance of the teacher / pupil ratio.

4 The proposal for approval cannot be rejected on the ground that the surplus candidates are available and they are required to be absorbed.

5 In light of that, we set aside the impugned communication and direct the authority to reconsider the proposal seeking approval to the appointment of the Petitioner afresh. Same shall not be rejected on the ground that the surplus candidates are required to be absorbed. Same shall be decided expeditiously preferably within four months.

6 Writ Petition is disposed of. No costs.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)