

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

145 PUBLIC INTEREST LITIGATION NO.15 OF 2021
WITH CA/1334/2023 IN PIL/15/2021 WITH CA/10824/2023 IN
PIL/15/2021

JAVED ABDUL HAMID DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.R.S.Deshmukh, Sr.Advocate i/b Mr.D.R.Deshmukh, Advocate for the
Petitioner.

Mr.D.R.Kale, Govt.Pleader for Respondent Nos. 1 and 2.

Mr.N.E.Deshmukh, Advocate for Respondent No.6.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : AUGUST 28, 2023

PER COURT :

1. Leave to add the MPSC as the Respondent. Addition be carried out forthwith. Issue notice to the added Respondent, returnable on 19.10.2023. The learned Government Pleader waives service of notice on behalf of the added Respondent.

2. On 03.08.2023, since we noticed that the Office of the learned Government Pleader was not being given adequate co-operation by Respondent No.2 / Minority Department, that we had

directed the Principal Secretary, Minority Department to remain present in the Court today. However, no one has remained present in the Court today. An affidavit in reply has been filed through the Principal Secretary, dated 25.08.2023.

3. The learned Senior Advocate submits that it is because of the order of the Court that the affidavit in reply has been filed and, therefore, they would not oppose Civil Application No.10824/2023 filed by the Principal Secretary, Minority Development Department, praying for withdrawal of the direction to remain present in the Court.

4. Hence, **CA No.10824/2023 is allowed** in terms of prayer clause 'B', thereby granting exemption to the said Officer from remaining present in the Court today.

5. We have perused the affidavit in reply filed on behalf of the State Authorities, dated 25.08.2023. It appears that the Wakf Rules for the Board have already been approved in 2022. Around 60 posts in relation to the Wakf Board have been advertised. The last date for receiving the applications is 03.09.2023. We are informed that

thereafter the scrutiny will be caused, followed by the written examination and interviews and then the appointment orders will be issued. We, therefore, grant 90 days to the concerned authorities, w.e.f. 04.09.2023, for carrying out this exercise and issue the appointment orders to the selected candidates.

6. In so far as the draft recruitment rules for the Tribunal are concerned, the same would not apply to the Members of the Tribunal, which comprise of one member of the rank of the Principal District Judge, one member who is an Additional Collector and a third member who would be a Muslim Scholar. The posts of Principal District Judge and a Muslim scholar, have already been filled in. For the post of Additional Collector, the proposal is under active consideration and the file has been sent for approval of the competent authority. We, therefore, direct that the Respondent Authorities shall appoint an eligible candidate within a period of 60 days from today.

7. In so far as the draft recruitment rules for the Tribunal are concerned, the affidavit in reply indicates that the General Administration Department (GAD), has approved the draft rules and

has forwarded them to the MPSC for approval. We, therefore, direct the MPSC to grant its approval to the said rules by following the due procedure laid down in Law, within 45 days from today.

8. In so far as the construction of the new building for the Tribunal is concerned, the Government has sanctioned Rs.1,10,82,343/- for the construction of the boundary wall. The spot on which the building for the Office of the Wakf Board and the Maharashtra State Wakf Board Tribunal are to be constructed, is located at Himayat Bagh. Our attention is drawn to the fact that meetings have been arranged at the level of the Government with regard to the Office space for the Aurangabad District Wakf Board Headquarters. The said decision would be announced shortly.

9. Stand over to 19.10.2023.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)