

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2585 OF 2023

SMITA
RAJNIKANT
JOSHI

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|---|--|---|-----------------|
| 1 | Ms. Nilofer Ibrahim Shaikh |] | |
| | Age: 38 years, Occu: Service, R/O. |] | |
| | 108, Maurarji Peth, Solapur, |] | |
| | Dist. Solapur 413 002. |] | |
| 2 | Solapur Social Association Urdu & |] | |
| | Junior College, Solapur, through |] | |
| | Principal Head/ Master, |] | |
| | Mr. Abdul Jabbar A.Shaikh |] | |
| | having Regd. Office at 370-A, Muslim |] | |
| | Paccha Peth, Solapur 413 005. |] | |
| 3 | Solapur Social Association, Solapur |] | |
| | a Registered Minority Institution |] | |
| | through President Dr. Akhlak Ahmed |] | |
| | Mohammed Ali Wadwan, R/o. 130, |] | |
| | Siddheshwar Peth, Solapur. |] | .. Petitioners. |
| | v/s. | | |
| 1 | State of Maharashtra |] | |
| | through Office of the Government Pleader |] | |
| 2 | Director of Education |] | |
| | Pune Region, Pune. |] | |
| 3 | Deputy Director of Education, |] | |
| | Pune Region, Pune. |] | .. Respondents. |

Mr. Akil Kupade, for the Petitioners.

Mr. R. P. Kadam, AGP for the Respondent-State.

**CORAM: A.S.CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.**
DATE : 18th DECEMBER, 2023.

PC:-

RULE. Rule made returnable forthwith and heard finally by consent of the learned Counsel for the parties.

2 The challenge raised in this Writ Petition is to the communication dated 21st October, 2022 issued by the Deputy Director of Education, Pune, declining to take any decision on the proposal seeking appointment of the Petitioner No.1.

3 It is the case of the Petitioner No.1 that she came to be appointed as 'Shikshan Sevak' at the Petitioner No.2-College that is run by Respondent No.3 on 23rd August, 2021. A proposal seeking approval to her appointment was moved on 9th October, 2021 but by the impugned communication, the same has not been considered on the ground that the circular dated 4th May, 2020 refused appointment being made during Covid-19.

4 Considering the fact that the Petitioner No.1 has been thereafter appointed on 23rd August, 2021, it would be necessary for the Deputy Director of Education, Pune to re-consider the said proposal and decide the same in accordance with law.

5 For the aforesaid reasons, the communication dated 21st October, 2022 is set aside. 2nd Respondent is directed to re-consider the proposals dated 9th October, 2021 and 19th July, 2022 afresh in accordance with law.

6 It is made clear that the proposal shall not be rejected by referring to circular dated 4th May, 2020. After granting due opportunity to Petitioner No.1, a fresh decision shall be taken within a period of four weeks from receiving a copy of this order.

7 Needless to state that, in case Petitioner No.1's appointment is approved, all consequential steps be taken by the Respondents.

Rule accordingly with no order as to costs.

(FIRDOSH P. POONIWALLA,J.)

(A.S. CHANDURKAR,J.)