

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION 456 OF 2023

Petitioners : 1. Pragya Vikas Shikshan Sanstha, Gondia,
Through its Secretary, Office at T.B. Toli, Gondia,
Tah. and District – Gondia.
2. Shri Gurudeo Vidyalaya,
Girola (Kamtha), Tah. and District Gondia,
Head Master.
3. Someshwar s/o Gajanan Sonwane,
Aged about 31 years, Occupation – Service,
R/o Kalimati, Tah. Amgaon, District – Gondia.
– Versus –

Respondents : 1. State of Maharashtra, Through its Secretary,
School Education Department, Mantralaya,
Mumbai – 400 032.
2. Education Officer (Secondary),
Zilla Parishad, Gondia, Tah. and District – Gondia.

Mr. I.N. Choudhari, Advocate for the Petitioners.

Mr. S.M. Ukey, Additional Government Pleader for the Respondents.

CORAM: **ROHIT B. DEO AND M.W. CHANDWANI, JJ.**

DATE : **20th JUNE, 2023.**

J U D G M E N T : (Per M.W. Chandwani, J.)

Rule. Rule made returnable forthwith. Heard finally by the consent
of the learned Counsel appearing for the parties.

02] By the impugned communication dated 14/12/2022 issued by respondent 2-Education Officer (Secondary), Zilla Parishad, Gondia refused to grant approval to the appointment of petitioner no.3 on the ground that there is ban on recruitment.

03] It is an admitted fact that petitioner 1 is a minority institution. It is well settled that for a minority institution to make recruitment, ban on recruitment is not applicable but, the Education Officer has put forward this very reason. The learned Additional Government Pleader fairly admits that petitioner 1 is a minority educational institution and, therefore, the reliance placed by the learned Counsel for the petitioners on the decision rendered by this Court in the matter of Ubhajo Shikshan Sanstha and others vs. State of Maharashtra and others in Writ Petition No.2538/2021 on 16/11/2021, is squarely applicable to the present petition, which it has been held that the ban on recruitment by the State Government is not applicable to minority institutions.

04] Accordingly, we allow the petition. The impugned communication dated 14/12/2022 is hereby quashed and set aside and the matter is remanded back to respondent 2-Education Officer (Secondary), Zilla Parishad, Gondia for fresh decision in accordance with law. It is further directed that the

decision in accordance with this order shall be taken by respondent 2 as expeditiously as possible and, in any case, within a period of six weeks from today.

05] Rule accordingly with no order as to costs.

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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