

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

WRIT PETITION NO.3219 OF 2022

1. Shyamlata Bahuudeshiya Shikshan Sanstha,
Reg. No. F 1420 (B) through its Secretary
Ku. Bhumika Shyamkishore Pashine,
office at Bhandara Tah. & Dist. Bhandara 441904.
2. Smt. Anusayabai Pashine High School,
Dasgaon through its Head Mistress,
Tah. & Dist. Gondia – 441601.
3. Shri Ujjwal s/o Sanjay Katre,
Aged about 23 years, Occu: Service,
R/o Near Dr. Jaipuriya Nursing Home,
Tah. & Dist. Gondia. **PETITIONERS**

...VERSUS...

1. State of Maharashtra through its
Secretary, Department of Education,
Mantralaya, Mumbai-32.
2. The Education Officer (Secondary),
Zilla Parishad, Gondia-441902. **RESPONDENTS**

Mr. Anant Dixit, Advocate for Petitioners.
Mrs. Kalyani R. Deshpande, AGP for Respondents 1 and
2/State.

CORAM: **ROHIT B. DEO AND Y. G. KHOBRAGADE, JJ.**
DATE: **13th FEBRUARY, 2023.**

ORAL JUDGMENT: **(PER ROHIT B. DEO, J.)**

Heard. Rule. Rule made returnable forthwith by
consent of the learned counsels for the parties.

2. The affidavit in response dated 24.11.2022 filed on behalf of the respondent 2 is taken on record.

3. We note from the affidavit in response that it is not in dispute that the approval to the appointment of petitioner 3 was refused only due to the ban on recruitment of teaching and non-teaching staff due to the Covid-19 pandemic.

4. It is further common ground that the issue is covered by several decisions of the Coordinate Bench which articulate that the ban on recruitment shall not apply to minority institution, and that as a fact the petitioner 1 is a minority institution.

5. In view of the consistent view of the Coordinate Benches, we allow the petition in terms of prayer clauses (i) and (ii) which read thus:

- i) to quash and set aside the impugned order dated 31.12.201 (Annexure P X) issued by the respondent no.2 Education Officer (Secondary), Zilla Parishad, Gondia.

- ii) To direct the respondent no.2 to grant the approval to the appointment of petitioner no.3 in the petitioner school with all consequential benefits.

(Y. G. KHOBRADE, J.)

(ROHIT B. DEO, J.)

NSN