

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

WRIT PETITION NO.407/2023

1. Adarsha Education Society,
Savari/Jawahar Nagar, Bhandara,
Tq. and Dist. Bhandara,
through its Secretary.
2. Gram Vikas Pre-Secondary (Purv
Madhyamik) School, Kohalitola,
Tah. Sadak Arjuni, Dist. Gondia,
through its Head Master.
3. Manoharbhai Patel Primary School
Deori, Tah. Deori, Dist. Gondia,
through its Head Master.
4. Rajendra S/o Tanu Gahane,
aged about years, Occ. Service,
R/o Nilaj, Post Palasgaon, Tq. Sakoli,
Dist. Bhandara.
5. Prakash S/o Amrut Khune,
aged about years, Occ. Service,
R/o Devalgaon, Post Navegaon
Bandh, Tq. Sadak Arjuni,
Dist. Gondia.
6. Bharti Duryodhan Gaidhane,
aged about years, Occ. Service,
R/o Gondumari, Tq. Sakoli,
Dist. Bhandara.

... Petitioners

- Versus -

1. State of Maharashtra,
through its Secretary, School Education
& Sports Department, Mantralaya,
Mumbai – 400 032.
2. The Education Officer (Primary),
Zilla Parishad, Gondia,
Dist. Gondia.
3. Deputy Director of Education,
Nagpur Division, Nagpur. ... Respondents

WRIT PETITION NO.408/2023

1. Adarsha Education Society,
Savari/Jawahar Nagar, Bhandara,
Tq. and Dist. Bhandara,
through its Secretary.
2. Gram Vikas High School, Kondhi
(Jawahar Nagar), Bhandara, through
its Head Master.
3. Ku. Kanchan Prabhakar Badole,
aged about 45 years, Occ. Service,
R/o Panchasheel Ward, Sakoli,
Tq. Sakoli, Dist. Bhandara. ... Petitioners

- Versus -

1. State of Maharashtra,
through its Secretary, School Education
& Sports Department, Mantralaya,
Mumbai - 400 032.
2. The Education Officer (Secondary),
Zilla Parishad, Bhandara. ... Respondents

WRIT PETITION NO.409/2023

1. Adarsha Education Society,
Savari/Jawahar Nagar, Bhandara,
Tq. and Dist. Bhandara,
through its Secretary.
2. Manoharbhai Patel Primary School
Deori, Tah. Deori, Dist. Gondia,
through its Head Master.
3. Mithun Nilkumar Walode,
aged about years, Occ. Service,
R/o At Post Palasgaon/Sonka,
Tq. Sakoli, Dist. Bhandara.
4. Nutan S/o Shankar Raghute,
Aged about years, Occ. Service,
R/o At Post Kurza, Taluka Paoni,
Dist. Bhandara.
5. Devendra Toliram Bagde,
aged about years, Occ. Service,
R/o At Post Tah. Lakhandur,
Dist. Bhandara.
6. Varsha Madhukar Shahare,
Aged about years, Occ. Service,
R/o At Post Deori, Tah. Deori,
Dist. Gondia.

... Petitioners

- Versus -

1. State of Maharashtra,
through its Secretary, School Education
& Sports Department, Mantralaya,

Mumbai - 400 032.

2. The Education Officer (Secondary),
Zilla Parishad, Gondia. ... Respondents

WRIT PETITION NO.410/2023

1. Adarsha Education Society,
Savari/Jawahar Nagar, Bhandara,
Tq. and Dist. Bhandara,
through its Secretary.
2. Gram Vikas High School, Kondhi
(Jawahar Nagar), Bhandara,
through its Head Master.
3. Bhushan Ramdas Bhiogade,
aged about years, Occ. Service,
R/o Kodamedhi, Post Bamhani,
Tq. Sadak Arjuni, Dist. Gondia.
4. Rahul S/o Damodar Chamat,
aged about years, Occ. Service,
R/o At Post Manegaon / Bazar,
Tq. and Dist. Bhandara. ... Petitioners

- Versus -

1. State of Maharashtra,
through its Secretary, School Education
& Sports Department, Mantralaya,
Mumbai - 400 032.
2. The Education Officer (Primary),
Zilla Parishad, Bhandara. ... Respondents

Mr. Ram D. Karode, Counsel for the Petitioner(s).
Ms. S.S. Jachak, Assistant Government Pleader for the Respondents / State.
Mr. R.S. Khobragade, Counsel for respondent No.2. .. (in W.P.410/2023)

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 7.6.2023

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The appointment of the petitioners-teachers having not been approved by the Education Officer, the orders rejecting the approval to the post of petitioners are under challenge.

3. The petitioners have been appointed as Shikshan Sevak in the Schools which are stated to be Minority Institutions. The reference in the impugned orders is to the Government

Resolution dated 04.05.2020 thereby putting a ban on the recruitment of the teachers in the Minority Institutions.

4. After hearing the learned counsel for the parties, we find that the issue with regard to the applicability of the ban on the recruitment insofar as the Minority Institutions are concerned has been settled by holding that such ban is not applicable when the recruitment is undertaken by the Minority Institutions. The decisions in Writ Petition No.2538 of 2021 (Ubhajo Shikshan Sanstha & Others Versus State of Maharashtra & Others) decided on 16.11.2021 and Writ Petition No.1050 of 2021 (Prerana Samajik Sanskrutik Bahu-Uddeshiya Shikshan Sanstha & Others Versus State of Maharashtra & Others) decided on 07.03.2022 consider the aforesaid aspect. Since the approval has been refused only on this count, we find that it would be necessary for the Education Officer to re-consider the matters in the light of the aforesaid decisions.

5. Hence, for the reasons assigned in the decisions referred to hereinabove the impugned orders are set aside. The Education Officer is directed to re-consider the proposals of the petitioners-teachers sent by their School for grant of approval to the appointment of the petitioners. The approval shall not be rejected only on the ground that the appointment of the petitioners has been made during the period of ban. The necessary decisions be taken within a period of four weeks of receiving the copy of this order.

6. Rule is disposed of in aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)

Tambaskar.

Signed By: NILESH VILASRAO
TAMBASKAR

Private Secretary
Date: 12.06.2023 10:46