

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

WRIT PETITION NO. 2785 OF 2023

(Ku. Megha d/o Pralhadrao Sadafale & Ors. Vs. The State of Maharashtra & Anr.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.U. Ghude, Advocate for the petitioners.

Shri A.S. Fulzele, Additional Government Pleader for the respondents/ State.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 27, 2023

Rule. Rule made returnable forthwith. The learned Additional Government Pleader waives notice for the respondents.

2] Petitioner No.1 came to be appointed as a Shikshan Sevak at petitioner No.2 Institution on 14/11/2022. The said Institution has been recognized as a Minority Institution pursuant the certificate dated 15/6/2022. The approval to the appointment of petitioner No.1 has been rejected by the Education Officer (Secondary) on the ground that as per the Government Resolution dated 5/5/2020, there was a ban on recruitment.

3] After hearing the learned Counsel for the parties, we find that this issue with regard to the applicability of ban on recruitment being applicable to the Minority Institutions has been considered in *Writ Petition No. 2538/2021 (Ubhajo Shikshan Sanstha & Ors. Vs. State of Maharashtra & Ors.)* decided on 16/11/2021 at the Aurangabad Bench. It has been held therein that such ban on recruitment is not applicable to the Minority Institutions and the same cannot be a reason for refusing to approve the appointment.

4] In view of aforesaid, the following order is passed :

i] The order passed by the Education Officer (Secondary) dated 26/12/2022 is set aside. It is directed that respondent No.2 shall consider the proposal dated 29/11/2022 in the light of the judgment of this Court in *Ubhajo Shikshan Sanstha & Ors. (supra)*. The decision on the said proposal shall be taken within a period of four weeks of receiving copy of this order. The petitioner shall appear

before the Education Officer (Secondary) on 4/5/2023. The decision taken be communicated to petitioner No.1.

ii] Rule is made absolute in the aforesaid terms. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SUMIT