



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

WRIT PETITION NO.2322/2023

Humera Samreen Abdul Majeed,
aged about 27 Yrs., Occ. Service,
R/o 064, Near Kureshi Building,
Mastan Chowk, Khmagaon,
Dist. Buldana.

... Petitioner

- Versus -

1. State of Maharashtra,
through its Principal Secretary,
Department of School & Sports,
Mantralaya, Mumbai-32.

2. The Education Officer (Secondary),
Zilla Parishad, Buldana.

3. Alfalah Education Society,
Khamgaon, Barde Plot,
Tq. Khamgaon, Dist. Buldana,
through its President 444 303.

4. Millat Urdu High School,
Barde Plot, Khamgaon,
Dist. Buldana, through its
Principal 444 303.

... Respondents

Mr. A.I. Sheikh, Counsel for the Petitioner.

Mr. A.A. Madiwale, Assistant Government Pleader for Respondent Nos.1
and 2 / State.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 5.9.2023

JUDGMENT (Per A.S. Chandurkar, J.)

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

2. The appointment of the petitioner-Assistant Teacher having not been approved by the Education Officer, the order rejecting the approval to the post of petitioner is under challenge.

3. The petitioner has been appointed as Assistant Teacher in the School which is stated to be Minority Institution. The reference in the impugned order is to the ban on the recruitment of the teachers.

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 matter in the light of the aforesaid decisions.

5. Hence, for the reasons assigned in the decisions referred to hereinabove the impugned order is set aside. The Education Officer is directed to re-consider the proposal of the petitioner-Assistant Teacher sent by her School for grant of approval to the appointment of the petitioner. The approval shall

not be rejected only on the ground that the appointment of the petitioner has been made during the period of ban. The necessary decision 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.)