

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

WRIT PETITION NO. 4664 OF 2022

Sagar Kishorkumar Bahadure,
Aged about 32 years, Occ. Service,
R/o. Tawar Road, Shiksak Colony,
Anjangaon Surji, Amravati – 444705.

.... **PETITIONER**

...VERSUS...

1. The State of Maharashtra,
Through its Secretary, Department of
School Education & Sports Department,
Mantralaya, Mumbai – 32.
2. Education Officer (Primary),
Zilla Parishad Amravati,
Tq. & Dist. Amravati.
3. Headmaster,
Matoshri Jaywantbai Abhyankar
Prathamik School, Sai Nagar,
Paratwada, Tq. Achalpur,
District Amravati.
4. The President,
Rahul Vyam Prasarak Mandal,
Bhumiputra Colony, Tq. Achalpur,
District Amravati.

.... **RESPONDENTS**

Mr. S. U. Ghude, Advocate for Petitioner.
Mr. M. K. Pathan, A.G.P for Respondents 1/State.
Mr. J. B. Kasat, Advocate for Respondent 2.

CORAM: **ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.**

DATE: **21.04.2023**

JUDGMENT: (PER : MRS. VRUSHALI V. JOSHI, J.)

1. Heard. **Rule.** Rule made returnable forthwith by consent of the learned counsel for the parties.

2. The grievance in the petition is that the Education Officer has rejected approval to the appointment of the teaching and non-teaching staff appointed by minority institutions, on the ground that at the relevant time the ban on recruitment imposed by Government Resolution dated 04.05.2020 and reiterated/clarified by communication dated 05.05.2020 issued by the Education Department of the State Government, was in force.

3. The development which has occurred during the pendency of the petition is that the State Government has taken a decision to lift the ban on recruitment and to permit the minority educational institutions to fill in the vacant posts. The decision taken by the State Government as is reflected in the communication dated 02.02.2023 addressed by the Government to the Director of Education is filed in Writ Petition 5936/2022, which is decided by this Court vide judgment dated 01.03.2023.

4. In view of the decision of the State Government of lifting the ban on the recruitment, we dispose of the petition by quashing the rejection order, and by remitting the issue to the concerned officer, i.e. the Education Officer, to hear the stakeholders and to pass an appropriate order in view of the decision taken by the State Government.

5. We direct that the fresh decision shall be taken within eight weeks from the date of appearance of the stakeholders. We may clarify that the concerned authority shall not be precluded from rejecting the approval if there is any impediment, other than the recruitment ban, in granting approval to the appointment/s.

6. The stakeholders may appear before the concerned officer on 03.05.2023.

7. The petition is partly allowed in the aforestated terms.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)