

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

WRIT PETITION NO. 4652 OF 2022

Reshma d/o Ravindra Gawai,
Aged about 32 years,
Occupation – Service,
R/o Shivaji Nagar, Paratwada,
Salebad, Amravati.

.... **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. and
District Amravati.
- 3) Headmaster,
Rashtramata Indira Gandhi Purva
Madhyamik School, Shivaji Nagar,
Paratwada, Amravati.
- 4) The President,
Rahul Vyam Prasarak Mandal,
Bhumiputra Colony, Tq. Achalpur,
District Amravati.

.... **RESPONDENTS**

Mr. S.U. Ghude, Counsel for the petitioner,
Mr. N.S. Rao, Counsel for respondent 1,
Mr. J.B. Kasat, Counsel for respondent 2.

CORAM : ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.
DATED : 27th APRIL, 2023

ORAL JUDGMENT : (PER : R.B. DEO, J.)

The office note is that notice issued to respondent 2 is returned for want of time.

2. However, the learned Counsel Mr. J.B. Kasat appears on behalf of respondent 2.

3. Heard. **Rule.** Rule made returnable forthwith with consent of the parties.

4. The challenge in the petition is to the communication dated 20-12-2021 refusing to approve the appointment of the petitioner Ms. Reshma Ravindra Gawai on the ground that she was appointed during the period of ban on recruitment.

5. It is not in dispute that Rashtramata Indira Gandhi Purva Madhyamik School-the employer of the petitioner, is a minority institution.

6. We have granted relief in several matters noting that the State Government has lifted the ban on recruitment in minority institution. We need not consider the broader issue as to the legality on the ban on recruitment as regards the minority institution.

7. We, therefore, quash the communication impugned and remit the matter to the Education Officer for fresh consideration after hearing the petitioner.

8. Needless to observe that approval shall not be rejected on the ground that the appointment of the petitioner is contrary to the Government Resolution which imposed ban on recruitment.

9. The petitioner shall appear before the Education Officer on 10-5-2023 without expecting formal notice.

10. The Education Officer shall take the final decision on the issue of approval within three weeks from the date of appearance of the petitioner.

11. The petition is disposed of in the afore-stated terms.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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