

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

Writ Petition No.3574 of 2023

Apanga Jeevan Vikas Sanstha,
 through its President, Amravati and others

Versus

State of Maharashtra and others

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

Court's or Judge's order

Shri Anand Parchure, Counsel for Petitioners.
 Ms N.P. Mehta, Assistant Government Pleader for Respondents.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 13th JUNE, 2023.

PC.:

1. Rule. Rule made returnable forthwith. Ms N.P. Mehta, learned Assistant Government Pleader, waives service of notice for the respondents.

2. The challenge raised in this writ petition is to the order dated 27-12-2021 passed by the respondent No.3- Education Officer (Secondary), Zilla Parishad, Amravati thereby refusing to approve the appointment of the petitioner No.3. In the impugned order, it has been stated that in the light of the Government Resolutions dated 4-5-2020 and 5-5-2020, such approval cannot be granted.

3. We find that the challenge raised in the present writ petition is similar to one which has been considered in various writ petitions, including Writ Petition No.5936 of 2022 (*Anukuran Shikshan Sanstha and another Vs. State of Maharashtra and another*) decided on 1-3-2023, wherein it has been held that the ban on recruitment would not be applicable to the Minority Institutions and on that basis, the order refusing to grant approval has been set aside.

4. Since we find that a similar issue arises in the present writ petition, we are inclined to direct the respondent No.3- Education Officer (Secondary), Zilla Parishad, Amravati to reconsider the petitioners' proposal dated 28-9-2021

afresh in accordance with law and after giving due opportunity of hearing to the petitioners.

5. Hence, for the reasons contained in the judgment dated 1-3-2023 delivered in Writ Petition No.5936 of 2022, the order dated 27-12-2021 passed by the respondent No.3- Education Officer (Secondary), Zilla Parishad, Amravati is set aside. It is directed that the respondent No.3 shall reconsider the proposal dated 28-9-2021 afresh in accordance with law and after giving due opportunity of hearing to the petitioner. Necessary decision be taken within a period of four weeks from receiving the copy of this order.

6. Rule is made absolute in the aforesaid terms. No order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR