

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

WRIT PETITION 7542 OF 2022

1. Sanjivan Shikshan Sanstha,
Mandhal, through its President,
Ramdas Natthuji Gajbhiye,
aged 81 years, having its Office
at Ward No. 6, Mandhal, Tah. Kuhi,
District Nagpur 441 210

2. Mahamayadevi Vidyalaya,
Mandhal through its Head Master,
Hansraj Dewaji Meshram,
aged 57 yrs, Ward No. 6,
Mandhal, Tah. Kuhi, District Nagpur

3. Prajakta Vinay Gajbhiye,
aged 27 yrs, Occ. Service,
Ward No. 6, Mandhal,
Tah. Kuhi, District Nagpur.

4. Amita Shamrao Nanwatkar,
aged 35 yrs, Occ. Service,
R/o. Plot No. 17, Vaishali Nagar,
Nagpur 440 017.

.....PETITIONERS

...VERSUS...

1. State of Maharashtra through its
Secretary, Department of School
Education and Sports, Mantralaya,
Mumbai 400 032

2. Deputy Director of Education,
Nagpur Division, Balharti,
Opp. Dhantoli Park, Dhantoli,
Nagpur 440 012

3. The Education Officer (Secondary),
Zilla Parishad, Nagpur, Civil Lines,

Nagpur 440 001

..RESPONDENTS

Mr. B.G. Kulkarni, counsel for petitioners.

Mrs. K.S. Joshi, Addl.G.P. for respondents 1 to 3/State.

CORAM:- ROHIT B. DEO & Y.G. KHOBRAGADE, JJ.

DATE : 24.01.2023

JUDGMENT (Per: Rohit B. Deo, J.)

Rule. Rule made returnable forthwith. Heard finally with consent of the parties.

2. The challenge in the petition is to the refusal of the Education Officer – Respondent 3 herein to approve the appointment of the petitioners 3 and 4 in petitioner 2 – School.

3. The letters/orders impugned dated 2.2.2022 as regards petitioner 3 – Ms. Prajakta Vinay Gajbhiye and dated 4.8.2022 as regards petitioner 4 – Ms. Amita Shamrao Nanwatkar are at annexures P-14 and P-15, respectively.

4. We note that while the proposal to grant approval to the appointment of Ms. Prajakta Gajbhiye is rejected due to certain deficiencies in proposal and in view of the

Government Resolution dated 4.5.2020 which bans recruitment, the proposal of Ms. Amita Nanwatkar is rejected on the sole ground that her appointment as Shikshan Sewak is after the ban on the recruitment. This Court has taken consistent view that the ban on recruitment would not apply to minority institution, which petitioner-institution admittedly is.

5. In this view of the matter, we quash the communications impugned and remit the proposals of the petitioners to the respondent 3 – Education Officer who, shall decide the same afresh after hearing the stakeholders. While the Education Officer shall be at liberty to consider all aspects of the matter, the proposal shall not be rejected on the ground that the appointments are after the Government Resolution dated 4.5.2020 banning the recruitment.

6. Petition is partly allowed.

7. The decision be taken within two months from the

date of appearance of petitioners before respondent 3 -Education Officer, who shall produce copy of this order before the authority.

8. The petitioners shall appear before respondent 3 – Education Officer on 1st February,2023.

(Y.G. Khobragade, J.)

(Rohit B. Deo, J.)

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