

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

WRIT PETITION NO. 1827/2023

1. Christ The Redeemer Bahu-uddeshiya Sanstha, Bhandara through its Secretary Prashant Chakradhar Donadkar, aged 43 years, Office at Near Datta Mandir, Khamb Talao, Bhandara, Dist. Bhandara.
2. Prashant Vidyalaya, Bhagdii, through its Headmaster, Rajendra Mangal Burde, aged 52 years, At Post Bhagdi, Tah. Lakhandur, Dist. Bhandara.
3. Gurudeo s/o Jaideo Burde, aged 34 years, Occu. Service, R/o At Gunjepar, Post Sarandi (Bk.), Tah. Lakhandur, Dist. Bhandara.
4. Ku.Sandhya d/o Lekhram Dhote, aged 28 years, Occu. Service, R/o At Mandhal, Post Bhagdi, Tah. Lakhandur, Dist. Bhandara.
5. Nitin s/o Fatteshwar Nakhate, aged 34 years, Occu. Service, R/o At Post Soni, Tah. Lakhandur, Dist. Bhandara.

PETITIONERS

....VERSUS.....

1. The State of Maharashtra, through its Secretary, Department of School Education and Sport, Mantralaya, Mumbai – 400 032.
2. The Deputy Director of Education, Nagpur Division, Balbharati, Opp. Dhantoli Garden, Dhantoli, Nagpur – 440 012.
3. The Education Officer (Secondary), Zilla Parishad, Z.P. Chowk, Bhandara, Dist. Bhandara – 441 904.

RESPONDENTS

Shri B.G. Kulkarni, counsel for the petitioners.
Shri A.S. Fulzele, Additional Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 26, 2023.

ORAL 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 nos.3 to 5 having not been approved by the Education Officer (Secondary), the orders dated 27.04.2022 and 22.09.2022 are under challenge.

3. The petitioner nos.3 to 5 have been appointed as Shikshan Sevak on 02.04.2021 in the petitioner no.2-School which is stated to be Minority Institution. The reference in the impugned orders is to the Government Resolution dated 04.05.2020 thereby putting a ban on the recruitment of the teachers in the Minority Institutions.

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 (Secondary) 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 orders dated 27.04.2022 and 22.09.2022 are set aside. The Education Officer (Secondary) is directed to re-consider the proposals dated 04.04.2022 sent by the petitioner no.2 for grant of approval to the appointment of the petitioner nos.3 to 5. The approval shall not be rejected only on the ground that the appointment of the petitioner nos.3 to 5 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.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

APTE