

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

WRIT PETITION 7238 OF 2022

Petitioners : 1. Pragya Vikas Shikshan Sanstha, Gondia,
Through its Secretary, Office at T.B. Toli, Gondia,
Tah. and District – Gondia.
2. Shri Gurudeo Vidyalaya,
Girola (Kamtha), Tah. and District Gondia,
Head Master.
3. Vikesh s/o Bhaulal Girepunje,
Aged about 24 years, Occupation – Service,
R/o At and Post – Girola, Tah. and District Gondia.
– Versus –

Respondents : 1. State of Maharashtra, Through its Secretary,
School Education Department, Mantralaya,
Mumbai – 400 032.
2. Education Officer (Secondary),
Zilla Parishad, Gondia, Tah. and District – Gondia.

Mr. I.N. Choudhari, Advocate for the Petitioners.

Mr. S.M. Ukey, Additional Government Pleader for the Respondents.

CORAM: **ROHIT B. DEO AND M.W. CHANDWANI, JJ.**

DATE : **20th JUNE, 2023.**

J U D G M E N T : *(Per M.W. Chandwani, J.)*

Rule. Rule made returnable forthwith. Heard finally by the consent
of the learned Counsel appearing for the parties.

02] By the impugned communication dated 26/09/2022 issued by respondent 2-Education Officer (Secondary), Zilla Parishad, Gondia refused to grant approval to the appointment of petitioner no.3 on the ground that there is ban on recruitment.

03] It is an admitted fact that petitioner 1 is a minority institution. It is well settled that for a minority institution to make recruitment, ban on recruitment is not applicable but, the Education Officer has put forward this very reason. The learned Additional Government Pleader fairly admits that petitioner 1 is a minority educational institution and, therefore, the reliance placed by the learned Counsel for the petitioners on the decision rendered by this Court in the matter of *Ubhajo Shikshan Sanstha and others vs. State of Maharashtra and others in Writ Petition No.2538/2021* on 16/11/2021, is squarely applicable to the present petition, which it has been held that the ban on recruitment by the State Government is not applicable to minority institutions.

04] Accordingly, we allow the petition. The impugned communication dated 26/09/2022 is hereby quashed and set aside and the matter is remanded back to respondent 2-Education Officer (Secondary), Zilla Parishad, Gondia for fresh decision in accordance with law. It is further directed that the

decision in accordance with this order shall be taken by respondent 2 as expeditiously as possible and, in any case, within a period of six weeks from today.

05] Rule accordingly with no order as to costs.

**sandesh*

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)