

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

Writ Petition No.1837 of 2023

The Young Revolution Panther, Tumsar and others

Versus

The 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 B.G. Kulkarni, Counsel for Petitioners.

Ms N.P. Mehta, Assistant Government Pleader for Respondents

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

DATE : 21st APRIL, 2023.

1. **Rule.** Rule made returnable forthwith and heard the learned counsel for the parties.

2. The appointment of the petitioner Nos.4 to 6 having not been approved by the Deputy Director of Education as well as the Education Officer respectively, the orders dated 12-11-2021 and 13-10-2022 are under challenge.

3. The petitioner No.4 has been appointed as Junior College Teacher, the petitioner Nos.5 and 6 have been appointed as High School Teachers and the petitioner Nos.2 and 3 are stated to be Minority Institutions. The reference in the impugned orders is to the Government Resolution dated 4-5-2020 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 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 and others Vs. State of Maharashtra and others*) decided on 16-11-2021 and Writ Petition No.1050 of 2021 (*Prerana Samajik Sanskrutik Bahu-Uddeshiya Shikshan Sanstha and others Vs. State of Maharashtra and others*) decided on 7-3-2022

consider the aforesaid aspect. Since the approval has been refused only on this count, we find that it would be necessary for the Deputy Director of Education/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 orders dated 12-11-2021 and 13-10-2022 are set aside. The Deputy Director of Education/Education Officer (Secondary) is directed to re-consider the said proposal for grant of approval. The approval shall not be rejected only on the ground that the appointment of the petitioner Nos.4 to 6 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 above terms. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)