

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10263 OF 2024

Mohammed Iqbal Hussain
S/o Mohammed Murtuza Hussain ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Shakeeb Shaikh a/w Noorain Patel i/by Diamondwala & Co.,
Advocate for the Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w Ms. Savina Crasto, AGP for the
Respondent – State.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 24th MARCH, 2025

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P.C. :-

1. The Petitioner is a practicing Advocate and professes the Mohammedan Religion. According to him, he is eligible to be considered as a member of the Maharashtra State Board of Waqf from the category of Muslim Advocate under Section 14(1)(iii) of the Waqf Act, 1995. He, therefore, voluntarily made an Application on 12th March, 2024 to the Principal Secretary, Minority Development Department, Mantralaya (Extension), Mumbai 400032 to issue an order of his nomination.

2. The learned Addl. Government Pleader submits that there is no statutory duty cast in the Principal Secretary to consider such an Application. If any notification is published for filling up the post of member of the Maharashtra State Board of Waqf, the Petitioner can apply, like any other eligible person.

3. In view of the above statement, this **Writ Petition is disposed off**. In the event the State Government initiates a drive to fill up the vacant posts, if any, of the Maharashtra State Board of Waqf and if the Petitioner is eligible, he may apply and compete with all equally placed other candidates.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)