



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

WRIT PETITION NO. 4936 OF 2024

1. Shyamlata Bahuudeshiya Shikshan Sanstha, Reg. No. F-1420 (B) through its Secretary Ku. Bhumika Shyamkishore Pashine, Office at Bhandara Tah& Dist. Bhandara 441904
2. Smt. Anusayabai Pashine High School, Dasgaon through its Head Mistress, Tah. & Dist. Gondia-441601
3. Shri Zamendra S/o Sevakram Hanvat, aged about 23 years, Occ. Service R/o at Tedhwa, Post Dasgaon, Tah. & Dist. Gondia

...Petitioners

// VERSUS //

1. State of Maharashtra through its Secretary, Department of Education, Mantralaya, Mumbai-32
2. The Education Officer (Secondary), Zilla Parishad, Gondia-441902

... Respondents

Shri Anant M. Dixit, Advocate for the petitioners.
Ms. D.V.Sapkal, AGP for the respondents/State.

CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.

DATED : 28th JULY, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally
by consent of the parties.

2. It is is undisputed fact that petitioner-Society has been conferred status of minority institute by the Minority Development Department, Maharashtra State on 10th July, 2015. It is also not disputed that the petitioner no.3 was appointed on the post of Junior Clerk (Sevak) by appointment order dated 9th January, 2023 and he joined the duties on 10th January, 2023.

Judgment is
correct as per
order dated
14.11.2025

3. After the appointment of petitioner no.3, the petitioner no.2 forwarded the proposal of approval to the Education Officer, Gondia. However, by the impugned order, he has refused to consider the proposal on the ground that there is a ban imposed by the State Government for a fresh recruitment in the State of Maharashtra.

4. It is well settled principles of law that ban imposed by State Government for fresh recruitment is not applicable to minority institute. Learned counsel appearing on behalf of the petitioner has relied upon the judgment delivered by this Court in Writ Petition No. 3219 of 2022 (Shyamlata Bahuudeshiya Shikshan Santha and others Vs. State of Maharashtra and another) decided on 13th February, 2023 wherein paragraph 4 of the judgment, the Court has observed as under:

“3. We note from the affidavit in response that it is not in dispute that the approval to the appointment of petitioner 3 was refused only due to the ban on recruitment of teaching and non-teaching staff due to the Covid-19 pandemic.

4. It is further common ground that the issue is covered by several decisions of the Coordinate Bench which articulate that the ban on recruitment shall not apply to minority institution, and that as a fact the petitioner 1 is a minority institution.”

5. In view of above, the impugned order passed by the Education Officer, Gondia is liable to be quashed and set aside. Hence, to meet the ends of justice, we pass the following order.

- i. Writ Petition is partly allowed.
- ii. The order dated 5th April, 2023 passed by the Education Officer, Gondia is hereby quashed and set aside.
- iii. The respondent no.2-Education Officer (Secondary), Zilla Parishad, Gondia is hereby directed to reconsider the proposal of approval of petitioner no.3 forwarded by petitioner no.2 dated 17th May, 2024 and decide the same within a period of six weeks from the production of this

order on it's own merits without applying the ban imposed by the State Government.

No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]