



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

WRIT PETITION NO.6122 OF 2024

Adarsh Shikshan Sanstha,
Savari (Jawahar Nagar),
Tah. And Dist. Bhandara
Thr. Secretary and ors.

... Petitioners

-vs-

State of Maharashtra,
Thr. Secretary, Education and Sport
Dept. Mantralaya, Mumbai and ors.

... Respondents

Shri Ram Karode, Advocate for petitioners.
Shri A. V. Palshikar, Assistant Government Pleader for respondent Nos.1 to 4.

CORAM : ALOK ARADHE, CJ. AND
ANIL S. KILOR, J.

DATE : FEBRUARY 27, 2025

ORAL ORDER (PER: CHIEF JUSTICE)

1. Heard.
2. **Rule.** Rule made returnable forthwith with consent of counsel for the parties.
3. In this writ petition the petitioners inter alia seek to quash and set aside the order dated 12/07/2024 issued by the respondent No.4-Education Officer (Secondary), Zilla Parishad, Gondia and direction to him to grant approval to the appointment of petitioner No.3 and to release the salary in favour of petitioner No.3 by including his name in the Shalarth Pranali by giving him Shalarth ID.
4. The facts giving rise to filing of this petition are that the petitioner

No.1 is a minority institution which runs petitioner No.2-School. The petitioner No.1-Society had appointed petitioner No.3 on the post of Shikshan Sevak with effect from 12/02/2024. The petitioners forwarded the proposal to the Education Officer for grant of approval to the appointment of petitioner No.3. However, the Education Officer, Zilla Parishad, Gondia by the impugned order dated 12/07/2024 rejected the proposal on the ground that there is a ban on recruitment in minority institutions. Hence, this petition.

5. Shri Ram Karode, learned counsel for the petitioners submits that the ban with regard to recruitment is not applicable to the minority institutions like petitioner Nos.1 and 2. In support of aforesaid submission, reliance has been placed on the orders dated 16/11/2021 passed by Division Bench of this Court in Writ Petition No.2538/2021 (*Ubhajo Shikshan Sanstha and ors vs. State of Maharashtra and ors.*) and Writ Petition No.5551/2023 (*Gram Shikshan Prasarak Bahuuddeshiya Mandal, Patur and ors. vs. State of Maharashtra and anr.*).

6. Shri A. V. Palshikar, learned Assistant Government Pleader for the respondents has not disputed the aforesaid factual position.

7. We have considered the rival submissions. On perusal of the impugned order dated 12/07/2024, it is evident that the only reason which has been given for refusing approval is ban on recruitment process. The Division Bench of this Court has already held that such ban is not applicable to the minority

institutions.

8. We are in agreement with the view expressed by the Division Bench of this Court in *Ubhajo Shikshan Sanstha and ors.* and *Gram Shikshan Prasarak Bahuuddeshiya Mandal* (supra).

9. For the aforesaid mentioned reasons, the impugned communication dated 12/07/2024 is quashed and set aside.

The Education Officer (Secondary), Zilla Parishad, Gondia is directed to grant approval to the appointment of petitioner No.3 as Shikshan Sevak and to include his name in Shalarth Pranali and allot Shalarth ID in his name within a period of four weeks from today.

10. Rule is made absolute in aforesaid terms with no order as to costs.

(ANIL S. KILOR, J.)

(CHIEF JUSTICE)