



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

WRIT PETITION NO. 5761 OF 2024

1. Adarsh Shikshan Sanstha, Savari
(Jawahar Nagar), Tah. And District –
Bhandara, through its Secretary.
2. Manoharbhai Patel High School,
Deori, Tah. Deori, District – Gondia
through its Head Master.
3. Vivekanand S/o Zakaram Bhajipale,
Aged about 28 years, Occ. Service,
C/o Manoharbhai Patel High School,
Deori, Tah. Deori, District Gondia

...Petitioners

// VERSUS //

1. State of Maharashtra,
through its Secretary, Education and
Sport Department, Mantralaya
Mumbai-32.
2. The Director of Education, Secondary
and Higher Secondary, Central
Building, Dr. Anny Bezant Road, Pune
– 01.
3. The Deputy Director of Education,
Nagpur Division, Nagpur.
4. The Education Officer (Secondary),
Zilla Parishad, Gondia

... Respondents

Shri Ram Karode, Advocate for the petitioner.

Shri A.M.Joshi, AGP for the respondent nos. 1 to 4.

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

DATED : 24th JULY, 2025.

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

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

2. By this petition, the petitioners are challenging the impugned order dated 12th July, 2024 passed by the respondent no. 4 - Education Officer (Secondary), Zilla Parishad, Gondia, thereby refused to accept the proposal forwarded by the petitioner-Management to grant approval to the service of petitioner no.3.

3. It is the submission of the petitioners that this Court had considered the identical issue in Writ Petition No. 6122 of 2024, wherein the petitioners were the same Management and respondents were also the same. This Court by considering the identical controversy observed in paragraphs 4 and 5 as under:

“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.).”

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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).”

4. In the present matter, after appointing petitioner no.3 as a Shikshan Sevak vide appointment order dated 22nd November, 2023, the petitioner no.2 forwarded his proposal for approval on 19th December, 2023. On receipt of proposal, respondent no.4 pointed out certain shortfalls in the proposal. The same was therefore returned back to the respondent no.2. Petitioner no.3 thereafter forwarded fresh proposal on 14th May, 2024. But by impugned communication dated 12th July, 2024, same was returned back by relying upon the letter issued by respondent no.2 dated 26th September, 2023. As per letter dated 26th September, 2023, ban has been imposed to fill in the post of minority school. Hence, the case which has been decided by this Court is identical with the present case. Hence, in view of the decision of this Court in identical factual matter, we find this petition can also be disposed of by directing the Education Officer to accept the proposal forwarded by the Management

and decide the same in the light of directions given by this Court vide order dated 27th February, 2025 in Writ Petition No. 6144 of 2024.

5. Accordingly, the writ petition is allowed.

6. The respondent no.4 – The Education Officer (Secondary), Zilla Parishad, Gondia is hereby directed to grant approval to the appointment of the petitioner No.3 as Shikshan Sevak and to include his name in Shalarth Pranali, by allotting Shalarth ID in his name within a period of four weeks from the date of this order.

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

[PRAVIN S. PATIL, J.]

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