



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

WRIT PETITION NO. 5994 OF 2023

Peoples Education Society and Ors.

Vs.

The State of Maharashtra and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.M. Vaishnav, Advocate for petitioners.

Mr. N.S. Rao, AGP for respondent No.1 and 2/State

CORAM :ANIL S. KILOR & VRUSHALI V. JOSHI, JJ.

DATED : 23/07/2025.

1. In the present petition, the petitioner No.1 is an Educational Society, whereas, the petitioner No. 2 is an employee, working as an Assistant Teacher with petitioner No.1. The petitioner No. 2 was appointed on 01.02.2022 as an Assistant Teacher, and a proposal for grant of approval for his appointment was forwarded on 10.02.2022. Subsequently the lacunas were removed and forwarded the proposal on 10.04.2023. The same was rejected on 10.05.2023 as per a communication issued by the Education Officer (Secondary), Zilla Parishad, Amravati.

2. In the letter of rejection of approval, a reference is made to the letter dated 02.02.2023 issued by the Section Officer, State of Maharashtra, which indicates the absorption of 265 excess

teachers while filling 1,474 sanctioned posts by the State of Maharashtra.

3. The learned counsel for the petitioner argues that a retrospective effect can not be given to the letter dated 02.02.2023, and further, since the petitioner No. 1 is a minority institution, such a condition cannot be put on a minority institution.

4. In the reply filed by the Education Officer, except the reason of the letter dated 02.02.2023, there is no other reason like petitioner No.2 is not qualified or entitled or eligible for grant of approval.

5. In that view of the matter, since the only reason given is about the absorption of surplus teachers as directed vide letter dated 02.02.2023 issued by the Section Officer, which is admittedly issued after the appointment of the petitioner, we are of the view that it is not justifiable and cannot be accepted.

6. Accordingly, we are of the opinion that this is a fit case for remand of the matter to reconsider and re-appreciate the case of the petitioner for grant of approval, without denying the approval of the petitioner on the ground on which the present impugned communication was issued. Accordingly, we pass the following order :

(i) The writ petition is **partly allowed**.

(ii) The impugned communication dated 10.05.2023 issued by the Education Officer (Secondary), Zilla Parishad, Amravati, is hereby quashed and set aside.

(iii) We direct the Education Officer (Secondary), Zilla Parishad, Amravati to reconsider the proposal of the petitioner dated 10.04.2023 as regards grant of approval to the petitioner's appointment as an Assistant Teacher in minority institution.

(iv) The Education Officer (Secondary), Zilla Parishad, Amravati shall take a decision on such approval within a period of four weeks from the date of receipt of this order.

The writ petition is disposed of accordingly.

(VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)