



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

WRIT PETITION NO.7495 OF 2023

Shahbabu Education Society, Patur, through its Secretary, Mr. Syed Ishaque Syed
Nabi and others .Vs. State of Maharashtra and others

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

Court's or Judge's Order

Mr. A.A. Naik, Adv. a/b Mr. S.N. Tapadia, Adv. for petitioners.
Mr. A.M. Kadukar, A.G.P. for respondents/State.

CORAM : ANIL S. KILOR AND
VRUSHALI V. JOSHI, JJ.
DATE : 31/07/2025

1. A limited points raised in the present petition is that despite knowing that the petitioner-society is the minority institution, the approval to the appointment of petitioner No.3 as a Junior Clerk came to be rejected on three grounds namely, (i) there was no sanction obtained under Section 5 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (hereinafter referred to as "MEPS Act"), (ii) a surplus teachers were not called and (iii) the post was not sanctioned.

2. It is argued that, an appointment was made on a vacancy occurred on a retirement of an employee and as far as Section 5 of the MEPS Act, and calling of names of surplus teachers are concerned, since it is a minority institution, these conditions will not apply.

3. Mr. Naik, learned Senior Advocate, however, submits that a detailed reply explaining everything has been submitted to the Education Officer (Secondary), Zilla Parishad, Akola, on 04.11.2022 which is not yet decided. He submits that, if the directions are issued to the Education Officer to decide the same after hearing the petitioner, the purpose would be served.

4. Thus, we are of the opinion that, such directions can be issued to the Education Officer considering the nature of dispute and finding that the issue involved in the petition can be resolved if the Education Officer hear the petitioner and decide the representation after considering the points raised in the representation.

5. Accordingly, we **disposed of** the present writ petition with direction to the Education Officer (Secondary), Zilla Parishad, Akola, to decide the representation dated 04.11.2022, filed by the petitioner No.1-society after hearing the petitioner.

6. The Education Officer shall take decision on such representation within **six weeks** from today.

7. The learned A.G.P. undertakes to communicate this order to the Education Officer.

8. Needless to mention here that, the Education Officer shall not get influence by the earlier order rejecting the approval of the petitioner No.3.

(VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)

C.L. Dhakate