



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

WRIT PETITION NO. 6739 OF 2025

- 1) **Shamim Azad Education Society,
Giroli, Tq. Manora, Dist. Washim
through its President.**
- 2) **Prof. Javed Khan Urdu High School
& Junior College, Mahan,
Tq. Barshitakli, Dist. Akola,
through its Headmaster.**
- 3) **Naved Anwar Abdul Aahad,
Aged about 42 years, Occ.-Service,
C/o. Prof. Javed Khan Urdu High
School, & Junior College, Mahan,
Tq. Barshitakli, Dist. Akola.**

.... **PETITIONERS**

// **VERSUS** //

**The Education Officer, (Secondary),
Zilla Parishad, Akola.**

.... **RESPONDENT**

Mr. R. D. Karode, Advocate for the Petitioners.
Ms. S. S. Jachak, Additional Government Pleader for
the Respondent.

**CORAM : SMT. M.S. JAWALKAR, AND
SHRI M.W. CHANDWANI, JJ.**

DATE : 07th NOVEMBER, 2025.

ORAL JUDGMENT : (Per : Smt. M.S. Jawalkar, J.)

1. **RULE.** Rule made returnable forthwith. Heard finally
with the consent of the learned Counsel appearing for the parties.

2. The issue involved in the present Petition is that whether the ban which is referred by the Education Officer in the communication dated 27/10/2022 is applicable in respect of the Petitioner- Society, as it is a Minority Institution. The Petitioner – Society has placed on record the Government Resolution dated 07/06/2003, by which the Petitioner No.1 falls under the category of Minority Institution. The Education Officer refused to grant approval on the basis of the communication dated 05/05/2020 issued by the Education and Sports Department, State of Maharashtra, by which ban on recruitment is imposed.

3. This issue is already covered by the judgment of this Court dated 16/11/2021 passed in **Writ Petition No.2538/2021 (Ubhajo Shikshan Sanstha & Others vs. State of Maharashtra & others)**. The only reason given for refusing the approval is the ban on the recruitment process. In view of the judgment in **Ubhajo Shikshan Sanstha** (supra), the ban on the recruitment process is not applicable to the Minority Institutions. There is no dispute over the point that the Petitioner No.1 is a Minority Institution.

4. Hence, we proceed to pass the following order :

(i) The Writ Petition is **allowed**.

- (ii) The impugned communication dated 27/10/2022 issued by the Respondent Education Officer (Secondary), Zilla Parishad, Akola is hereby quashed and set aside.
- (iii) The Respondent – Education Officer is hereby directed to grant approval to the appointment of the Petitioner No.3, within a period of three weeks from today, if there is no other objection for grant of approval.
- (iv) The Respondent – Education Officer shall issue Shalarth ID in the name of the Petitioner No.3.

Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

(M.W. CHANDWANI, J.)

(M.S. JAWALKAR, J.)

Kirtak