



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO. 624 OF 2025

1. Anjuman Ishaat-E-Taleem Trust,
Aurangabad (PETITIONER No. F-34, A'bad)
Having its office at Seema Nursing
Home, Roshan Gate, Chhatrapati Sambhajinagar
Through its Secretary
Syed Ali Quadri Syed Abdul Jabbar,
Age : 32 years, Occ. : Service,
R/o Azam Colony, Roshan Gate,
Chhatrapati Sambhajinagar.
2. Maulana Azad High School &
Junior College (Arts and H.S.C.Voc.)
Town Hall, Chhatrapati Sambhajinagar
Through its Headmaster,
Dr. Syed Abdul Razzaque Quadri,
Age : 49 years, Occ. : Service

... PETITIONERS

...VERSUS...

1. The State of Maharashtra,
Through its Principal Secretary
Skill Development Employment
And Entrepreneurship Department,
Mantralaya, Mumbai- 400 032
2. The Director of Vocational
Education and Training,
No-3, Near Elphistone Technical
High School, Near Metro Adlabs,
Mumbai, Maharashtra - 421001
3. The Joint Director of Vocational
Education and Training,
Near Bhadkal Gate,
Chhatrapati Sambhajinagar,
Dist. Chhatrapati Sambhajinagar
4. District Vocational Education
And Training,
Chhatrapati Sambhajinagar,
Dist. Chhatrapati Sambhajinagar

... RESPONDENTS

Sr. Adv. V. D. Hon i/b. Adv. S. S. Kazi for the Petitioners
Ms. V. P. Dama, AGP for the State – Respondent Nos. 1 to 4

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATE : 26.03.2026

ORAL JUDGMENT : [Per Nitin B. Suryawanshi]

. Rule. Rule made returnable forthwith and heard finally with the consent of learned advocate for the parties.

2. This petition challenges order/letter dated 13.08.2024 issued by respondent No. 4 - District Officer, Vocational Education and Training, Chhatrapati Sambhajnagar, thereby refusing to grant approval to the appointment of Mrs. Pathan Kaynat Zakir Khan on the post of Full Time Instructor (Practical) in Automobile Technology subject.

3. Undisputed facts are that the petitioner No. 1 - Institution is a Minority Institution, it runs petitioner No. 2 - Higher Secondary School and 10+2 vocational training school. Both the schools are aided and recognized.

4. The petitioner submitted a proposal on 29.07.2024 to respondent No. 3 - Joint Director, Vocational Education and Training, Chhatrapati Sambhajnagar, that Full Time Instructor by name Mohammad Muntajeebuddin Siddiqui has retired on 31.01.2020 and, therefore, permission be granted to fill in the said post. On the same date, another proposal is submitted stating that the Full Time Teacher (Theory) in Marketing Retail Management subject stood retired on 30.11.2021 and the Full Time Instructor teaching Automobile

Technology (Practical) stood retired on 31.01.2020, therefore, permission may be granted to fill up these two posts.

5. It appears from the record that, since there was no response to the said proposals, the petitioner advertised the post and, after following due procedure, selected and appointed Pathan Kaynat Zakir Khan on the post of Full Time Instructor (Practical) in Automobile Technology Subject vide appointment order dated 01.06.2024. A proposal for approval of her services was forwarded by petitioner No. 2 to respondent No. 4 in prescribed proforma by annexing the relevant documents.

6. By the impugned order dated 13.08.2024, the approval is rejected stating that, as per Government Resolution dated 30.06.2017, new posts cannot be created and filled in. As per Government Resolution dated 12.04.2023 there is ban on recruitment. Therefore, permission cannot be granted to fill up the posts.

7. Heard learned senior advocate for the petitioner and learned AGP for the State. Perused the writ petition memo, annexures and affidavit-in-reply filed by the State.

8. This Court has consistently held that the ban imposed by the Government is not applicable to the Minority Institutions. Since petitioner No. 1 is a Minority Institution, the reason stated in the impugned order that there is ban on recruitment by the Government cannot be sustained.

9. The second reason given is that, as per Government Resolution dated 30.06.2017, new posts cannot be created or filled in.

Perusal of the said Government Resolution shows that it is issued by the Finance Department and pertains to the distribution of funds for the year 2017–2018. Clause 5(B) relates to the Higher and Technical Education Department, wherein it is mentioned that students are opting for medical, engineering, and similar technical curricula, and therefore the strength of students for traditional courses like Arts, Science, and Commerce is reduced.

It further states that a similar situation exists in D.Ed., B.Ed., and B.PEd. courses, and therefore a review of student strength and staffing pattern is required, including cancellation of recognition of certain schools/colleges and non-filling of vacant posts, with a view to control expenditure and restrict grant of new recognition.

10. Considering this provision it cannot be said to be applicable to the petitioner's case, apart from the fact that it cannot be said to be applicable to the minority institution. Therefore, both the reasons assigned by the respondent while rejecting the proposal of the petitioners are erroneous and non application of mind on the part of the respondent No. 4 is writ large on the face of record.

11. For the aforesaid reasons, the impugned order cannot be sustained and is hereby quashed. The writ petition is **allowed** in terms of prayer clauses 'B' and 'C'.

"B) Kindly Issue writ and/or appropriate order or direction in the like nature, the impugned order/letter dated 13.08.2024 issued by the respondent No.4 District Officer, Vocational Education and Training, Chhatrapati Sambhajanagar thereby refusing to grant approval to the appointment of Pathan Kaynat Zakir Khan on the post of Full Time Teacher (Practical) in Automobile Technology subject, may kindly be quashed and set aside.

C) Kindly Issue writ and/or appropriate order or direction in the like nature, direct the respondents authorities to grant approval to the appointment of Pathan Kaynat Zakir Khan on the post of Full Time Teacher (Practical) in Automobile Technology subject, as per the proposal dated 29.07.2024 forwarded by the management."

12. Respondent No. 4 is directed to accord approval to the appointment of Mrs. Pathan Kaynat Zakir Khan on the post of Full Time Instructor (Practical) in Automobile Technology subject, as per proposal dated 29.07.2024, within a period of four weeks from the date of uploading of this order.

13. Rule is made absolute in the above terms.

14. Pending Civil Application, if any, is disposed of.

[VAISHALI PATIL-JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]