

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14689 OF 2024

Shri Agnel Anthon D'souza
Age 34 yrs. Occupation service,
Residing at Sai Park Lane no 06,
Plot no. 101, Avhalwadi Pune 07 Petitioner

V/S

1. State of Maharashtra
Through Department of Education
Having office at Mantralaya
Mumbai 400 032
2. Deputy Director of Education,
Pune Division, Pune
3. Education Officer (Secondary),
Zilla Parishad, Pune
4. The Poona Diocesan Educational Society
1B, Prince of Wales Drive, Bishop's House,
Pune 411 001
Through its President/ Secretary
5. St. Joseph Boy's High School,
Khadki Pune 411 003
District Pune, Through Its Head Master ... Respondents

...
Mr.Chetan Patil (through VC) i/b. Mr.Mandar G. Bagkar for the Petitioner.
Mr.Aditya R. Deolekar, AGP for Respondent Nos. 1 to 3.
Mr.Vilas Tapkir with Ms.Mrunmayi Khambete for Respondent Nos. 4 and
5.

...

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : JANUARY 30, 2026

ORAL JUDGMENT (Per: Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally, by the consent of the parties.

2. An advertisement was published in the daily *Loksatta* newspaper on 23.06.2021. The interviews were held on 25.06.2021. The Petitioner was appointed as a Shikshan Sevak on 01.09.2021.

3. A proposal seeking approval to his appointment was forwarded on 13.12.2021. Since the proposal was not decided, the Petitioner preferred Writ Petition No. 16546 of 2023. By order dated 19.01.2024, the said Writ Petition was disposed off with a direction to the Education Officer to decide the proposal. By an undated order, the Education Officer (Secondary), Pune Zilla Parishad, Pune, namely, Dr.Bhausahab Karekar, rejected the proposal on the sole ground that the appointment was made during the period when there was a ban on recruitment, vide Government Resolution (G.R.) dated 04.05.2020.

4. The Petitioner relies upon the order passed by this Court, in ***Writ Petition No. 12388 of 2022 dated 26.02.2025 (Miss Tehasin Shabbir***

Ahamad Inamdar Vs. The State of Maharashtra & Ors.), to which one of us (Ravindra V. Ghuge, J.) is a party, wherein it has been held that the said G.R. would not be applicable to a minority educational institution. The learned AGP does not dispute the said position. The learned Advocate for the Petitioner cites one more judgment of this Court delivered at the Circuit Bench at Kolhapur in *Writ Petition No. 12195 of 2025 dated 21.11.2025 (Saniya Shahrukh Shaikh & Ors. Versus The State of Maharashtra & Ors.)* and points out that the view taken by this Court in *Miss Tehasin Shabbir Ahamad Inamdar (supra)* was followed.

5. The learned AGP points out that the impugned order (undated) was communicated to the Petitioner and his management vide a covering letter dated 20.09.2024, which is prior to the above-referred judgments.

6. In view of the above, **this Writ Petition is allowed.** The impugned order is quashed and set aside.

7. Since the only ground for rejection of the proposal has already been held to be unsustainable by this Court in *Miss Tehasin*

Shabbir Ahamad Inamdar and *Saniya Shahrukh Shaikh & Ors. (supra)*, there is no reason to remand the matter back to the Education Officer. We grant approval to the appointment of the Petitioner from the date on which he was appointed as a Shikshan Sevak. The education officer shall issue the Approval order within 15 days from today. The Management shall initiate the process for obtaining a Shalarth ID for the Petitioner, with 15 days thereafter.

8. **Rule is made absolute** in the above terms.

(ABHAY J.MANTRI, J.)

(RAVINDRA V. GHUGE, J.)