



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

WRIT PETITION NO. 5597/2024

- (1) Siddharth Shikshan Sanstha,
Astul, Tah. Patur, Dist. Akola,
Through its Secretary
- (2) Siddharth Vihar (Tech.)
Vidyalaya, Pastul, Tah. Patur,
Dist. Akola, Through its
Headmaster
- (3) Ku. Yogmaya Dattatraya
Mahalle, Aged about 35 years,
Occ. Service, R/o. C/o.
Siddharth Vihar (Tech.)
Vidyalaya, Pastul, Tah. Patur,
Dist. Akola.

.....PETITIONER(S)

// VERSUS //

- (1) The State of Maharashtra,
Through its Secretary, School
Education and Sports
Department, Mantralaya,
Mumbai-32
- (2) The Deputy Director of
Education, Amravati Division,
Amravati

(3) The Education Officer
(Secondary), Zilla Parishad,
Akola

.....RESPONDENT(S)

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Shri S. Rajurkar, Adv h/f Shri A. Parchure, Adv for the
Petitioner(s)

Shri H.D. Futane, AGP for the Respondent/State

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CORAM : M.S. JAWALKAR & NANDESH S. DESHPANDE, JJ.
JANUARY 21, 2026

ORAL JUDGMENT:- (PER:- M.S. JAWALKAR, J.)

. **RULE. Rule made returnable forthwith.** Heard finally
by consent of learned Counsel for the respective parties.

(2) The Petitioner No. 1 is the Educational Society which runs the Petitioner No. 2 – School. It is the contention of the Petitioner No. 1 that it is a minority institution and registration to that effect is placed on record at Annexure-I. The Petitioner No. 3 came to be appointed in the Petitioner No. 2 – School as Shikshan Sewak on 07/12/2023. The proposal for grant of approval to the appointment of the Petitioner No. 3 was forwarded to the Respondent No. 3 – Education Officer (Secondary) on 13/12/2023. However, the Education Officer

rejected the proposal on various grounds including the ban on appointment in view of the GR dated 04/05/2020.

(3) This issue is already covered by the judgment dated 07/03/2022 passed by this Court in Writ Petition No. 1050/2021 wherein the judgment passed by this Court in **Writ Petition No. 2538/2021 (Ubhajo Shikshan Sanstha & ors. vs. State of Maharashtra & ors.)** is relied upon. In the judgment in **Ubhajo Shikshan Sanstha (supra)**, this Court observed that since the ban on recruitment was not applicable to the minority institutions, that ground could not be raised for refusing approval to the appointment as made.

(4) In view of the judgment in **Ubhajo Shikshan Sanstha (supra)**, the impugned order dated 12/03/2024 is liable to be quashed and set aside.

(5) Hence, we proceed to pass the following order:-

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

(b) The impugned order dated 12/03/2024 passed by the Respondent No. 3 – Education Officer

(Secondary), Zilla Parishad, Akola is hereby quashed and set aside.

(c) The Respondent No. 3 – Education Officer (Secondary), Zilla Parishad, Akola is hereby directed to grant approval to the appointment of the Petitioner No. 3, if the other conditions mentioned in the communication vide Deficiency Nos. 1 to 9 except No. 3 are satisfied. The Respondent No. 3 – Education Officer (Secondary), Zilla Parishad, Akola shall not reject the approval on the ground of ban on recruitment or non seeking permission from the Education Officer before the appointment being the minority institution.

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

(NANDESH S. DESHPANDE, J.)

(M.S. JAWALKAR, J.)