



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

WRIT PETITION NO. 516 OF 2026

Umme Salma Minority Education And Welfare Society,
Akola, Thr. Secretary And Ors.

Vs.

The Deputy Director Of Education, Amravati
Division, Amravati And Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. D. Karode, Advocate for the Petitioners.
Mr. Sachin Narale, AGP for the Respondent-State.

CORAM : SMT. M. S. JAWALKAR &
NANDESH S. DESHPANDE, JJ.
DATE : 20th JANUARY, 2026.

P.C.:

1. The learned counsel for the petitioners seeks leave to add prayer clause. Permission is granted.
2. Amendment to be carried out forthwith.
3. Heard learned counsel for the petitioners and the learned AGP for the respondent-State.
4. The contention of the petitioners is that despite of

appointment as per the provision of law, the approval is not granted to the appointment of petitioner No.3. It is specifically submitted that the petitioner No.1- Society is recognized as minority institution which runs and manages the petitioner No.2- School. Pursuant to the advertisement dated 3rd July 2025, the petitioner No.3 was duly selected and appointed as an Assistant Teacher. On 4th September 2025, petitioner No. 2 forwarded the proposal for grant of approval in respect of the petitioner No. 3.

5. The learned counsel for the petitioners invited our attention to the communication dated 10th December 2025, issued by the Education Officer (Secondary), wherein the Education Officer (Secondary) refused to grant approval on the ground that there were five posts sanctioned and in view of the circular dated 26th September 2024, only 80% of the posts could be filled. It was stated that out of the five sanctioned posts, four teachers were already working on the said posts. This interpretation of the Education Officer (Secondary) does not survive, in view of the fact that the appointment was made against an existing sanctioned post, which fell vacant upon the retirement of one Jakir Ali Julafukar Ali.

6. The learned counsel for the petitioners relied upon the judgment in **Writ Petition No.5129 of 2025 (Dr. Babasaheb Ambedkar Samaj Sudharak Mandal & Others vs. The State of Maharashtra & Others)**, **Writ Petition No.6122 of 2024 (Adarsh Shikshan Sanstha & Others vs. State of Maharashtra & Others)** and **Writ Petition No.5761 of 2024 (Adarsh Shikshan Sanstha & Others vs. State of Maharashtra & Others)**. All these judgments are based on the judgment rendered in **Writ Petition No.2538 of 2021 (Ubhajo Shikshan Sanstha & Others vs. State of Maharashtra & others)**, wherein it is held that any ban or restriction on any appointment is not applicable to the Minority Institution. In the matter of **Ubhajo Shikshan Sanstha (supra)**, this Court has already considered the communication dated 26th September 2023. The learned AGP raised an objection that the communication dated 26th September 2023 does not make any reference of the same. However, the appointments are restricted to 80% of the sanctioned posts.

7. In our considered opinion, the post which was to be filled in was a sanctioned post and after retirement of one of the teacher, the petitioner came to be appointed. Moreover, as held in the above referred judgments, the restriction imposed by the

circular including ban on appointments, would not apply to the Minority Institution. Accordingly, Writ Petition is allowed.

8. The impugned communication dated 10th December 2025 issued by Education Officer (Secondary), Zilla Parishad, Akola is hereby quashed and set aside.

9. The respondent No.2- Education Officer (Secondary), Zilla Parishad, Akola is hereby directed to grant approval to the appointment of the petitioner No.3 as Assistant Teacher and send proposal for inclusion of his name in Shalarth ID to the respondent No.1 within a period of eight weeks from today.

10. In view of the above, Writ Petition stands disposed of. No costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M. S. JAWALKAR, J.)