



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

Writ Petition No.7828 of 2025

Urdu Girls High School and Jr. College, through its Headmaster, Mr. M. Zakir Ab Rashid
vs.

State of Maharashtra, through its Secretary, Department of Education, Mumbai and
another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Anand Parchure, Advocate for the Petitioner.
Mr. N.R. Patil, A.G.P. for Respondent Nos.1 & 2.
Mr. Z.Z. Haq, Advocate for the Intervenor.

CORAM: SMT.M.S. JAWALKAR & NANDESH S. DESHPANDE, JJ.

DATE : 26th FEBRUARY, 2026.

Heard the learned Counsel for the respective parties.

02. The Petitioner is an Urdu Girls High School and Junior College. There is a dispute in the managing society and the change reports are pending consideration before the competent authority. The petitioner-school sought permission for grant of approval to issue an advertisement to fill up the post of Mathematics Teacher, as the said post fell vacant due to the retirement of one Mohd. Fahimuddin Mohd. Bismilha.

03. It is submitted that the Society is a religious minority institution, and the Minority Status Certificate dated 24/02/2010 is filed along with the Petition at Annexure-I. The proposal seeking permission to issue an advertisement for filling up the vacant post came to be rejected by the Education Officer (Secondary), Zilla Parishad, Buldhana, vide communication dated 09/06/2025, on the grounds that the staff justification for the academic years 2012-2013 to 2024-2025 was not annexed to the proposal; that the list of teachers along with their respective pay scales was not enclosed; and that the orders granting approval to the post and sanction of grant-in-aid were not enclosed with the proposal.

04. The petitioner, in reply, informed the Education Officer regarding such justification and also drew attention to the orders passed by this Court on 12th March, 2025 in Writ Petition No. 6722/2024 and on 10th July, 2025 in Writ Petition No. 7421/2024. In spite of the same, the Education Officer, vide communication dated 25/06/2025, informed the petitioner that until the surplus staff are absorbed, approval to issue the advertisement cannot be granted.

05. The learned Counsel for the petitioner also drew our attention to the judgment passed in Writ Petition No.7421/2024 concerning the same institution. However, we do not go into that aspect. There is a Circular on record issued by the Director of Education, Maharashtra dated 19/11/2001, wherein it is mentioned that when no School Committee is in existence, the Headmaster, being the Member-Secretary of the School Committee, can appoint a Shikshan Sevak for three years in accordance with the applicable rules and provisions. The issue regarding absorption of surplus teachers is not applicable in the case of a minority institution, which is a settled position of law. Moreover, the post sought to be filled has become vacant due to the retirement of a Mathematics Teacher.

06. In view thereof, the following order is passed:

- i. The impugned communications dated 09/06/2025 and 25/06/2025 are hereby quashed and set aside.
- ii. Respondent No.2 – Education Officer (Secondary), Zilla Parishad, Buldhana, is directed to grant approval for issuance of an advertisement for the said post, if there are no other legal impediments other than absorption of surplus teachers and staff justification.
- iii. Respondent No.2 is further directed to take an appropriate decision on the proposal within a period of two weeks from the date of receipt of copy of this order, after affording an opportunity of hearing to all concerned parties, and to

communicate the decision to the petitioner.

- iv. All pending civil applications, if any, stand disposed of.
- v. The writ petition is disposed of in the aforesaid terms with no order as to costs.

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(Nandesh S. Deshpande, J.)

(Smt. M.S. Jawalkar, J.)