



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

WRIT PETITION NO. 1147 OF 2026

- 1) **Shamim Azad Education Society, Giroli,**
Tq. Manora, Dist. Washim,
through its President.
- 2) **Prof. Javed Khan Urdu High School,**
Mahan, Tq. Barshitakli, Dist. Akola,
through its Headmaster.
- 3) **Shaikh Shehzad Ullah Mohd Zamirullah,**
Aged about 33 years, Occ. Service,
R/o. Chaman Nagar, Old Town, Badnera,
Distt. Amravati – 444701. **PETITIONERS**

// VERSUS //

- 1) **The Deputy Director of Education,**
Amravati Division, Amravati.
- 2) **The Education Officer (Secondary),**
Zilla Parishad, Akola. **RESPONDENTS**

Mr. R. D. Karode, Advocate for the Petitioner.
Ms. H. N. Jaipurkar, Assistant Government Pleader
for the Respondents.

**CORAM : SMT. M.S. JAWALKAR, AND
NANDESH S. DESHPANDE, JJ.**

DATE : 11th FEBRUARY, 2026.

ORAL JUDGMENT : (Per : SMT. M.S. JAWALKAR, J.)

1. Heard learned Counsel for the Petitioner and learned
Assistant Government Pleader for the Respondents.

2. **RULE.** Rule is made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

3. By this petition, the petitioner is challenging the order dated 23/01/2026, passed by the respondent No.2 – Education Officer (Secondary), Zilla Parishad, Akola thereby rejected the proposal for grant of approval to the appointment of the petitioner No.3. Due to retirement of Headmaster one teacher came to be promoted and accordingly one vacancy caused, which was filled in by the appointment of petitioner No.3.

4. The petitioner No.1 is recognized as Minority Institution. The petitioner No.3 came to be appointed as ‘Shikshan Sevak’ and the petitioner No.2 forwarded his proposal for grant of approval to the respondent No.2 – Education Officer, Zilla Parishad, Akola. On 10/12/2025, the respondent No.2 has refused/rejected the proposal on the ground that there is a ban imposed for 100% recruitment vide letter dated 26/09/2024. This issue is already covered by the various judgments of this Court including *Writ Petition No. 516/2026, Umme Salma Minority Education and Welfare Society, Akola vs. the Deputy Director of Education, Amravati*, dated 20/01/2026. This Court relied on the

Judgment in **Writ Petition No. 2538/2021, (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.

5. Learned Assistant Government Pleader also concedes this position that the matter is covered by the judgment of this Court.

6. Thus, in our considered opinion, the post which was to be filled in, was a sanctioned post, the restrictions imposed by the circular including ban on appointments will not apply to the Minority Institution. Accordingly, the writ petition is allowed.

7. The impugned Communication dated 23/01/2026, issued by respondent No.2 – Education Officer, Zilla Parishad, Akola is hereby quashed and set aside.

8. The respondent No.2 – Education Officer, Zilla Parishad, Akola is hereby directed to grant approval to the appointment of the petitioner No.3 as ‘Shikshan Sevak’ and send a proposal for inclusion of his name in Shalarth ID to the respondent No.1 within a period of eight weeks.

Rule is made absolute in the above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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

Kirtak