



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1490 OF 2026

1. Shahbabu Urdu Education Society,
Patur, Tq. Patur, District Akola (Reg.
No.B-79/59 U/s SR Act 1860 and
Reg. No.F-67-Akola U/s BPT Act,
1950) having office at Shahbabu
High School, Near Old Bus Stand,
Patur, District Akola – 444 501
(Minority Institution) through its
Secretary - Syed Ishaque Syed Nabi.
2. Shahbabu Urdu High School and
Junior College (Hamza Plot) Akola,
Distt. Akola, through Headmaster.
3. Naziya Anjum Shaikh Bashir,
Aged about 37 years, Occ. Service as
Shikshan Sevak, R/o. In front of
Dongre Primary School, Mirza
Nagar, Buldhana.

... PETITIONERS

...VERSUS...

1. The Deputy Director of Education,
Amravati Division, Amravati.
2. The Education Officer (Secondary),
Zilla Parishad Akola, District-Akola.
3. State of Maharashtra, through its
Secretary, Education and Sports
Department, Mantralaya,
Mumbai-32.

...RESPONDENTS

Mr. R. D. Karode, Advocate for petitioner(s).
Mr. H. D. Futane, AGP for respondent(s)/State.

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

RESERVED ON : 16th MARCH, 2026.
PRONOUNCED ON : 30th MARCH, 2026.

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.
2. The present petition challenges the order dated 05.02.2026, passed by the respondent No.2 Education Officer (Secondary), Zilla Parishad, Akola, rejecting the approval of the appointment of the petitioner No.3, Naziya Anjum Shaikh Bashir, being arbitrary and bad in the eyes of law.
3. The facts emerging from the present petition are that the Petitioner No.1, Shahbabu Urdu Education Society, Akola, is a Minority Education Society duly recognized as such by the

Competent Authority, i.e., the Joint Secretary, Government of Maharashtra, vide certificate dated 17.06.2005. The Petitioner No.1 runs and manages Petitioner No.2, Shahbabu Urdu High School and Junior College, Akola. For filling up a vacant post, Petitioner No.1, issued a public advertisement dated 09.08.2022 in two daily newspapers, thereby inviting applications for the post of Shikshan Sevak/Assistant Teacher for Standards 9th and 10th.

4. In response to the said advertisement, Petitioner No.3, applied for the said post. Furthermore, Interviews were conducted on 24.08.2022, wherein Petitioner No.3 was found eligible and suitable for appointment. Thereafter, the School Committee of Petitioner Nos.1 and 2 passed a resolution dated 30.08.2022, thereby unanimously resolving to appoint Petitioner No.3, as Shikshan Sevak/Assistant Teacher. Accordingly, an appointment order dated 01.09.2022 was issued, and Petitioner No.3 joined her duties on the same day.

5. Subsequently, on 12.09.2022, the Headmaster of Petitioner No.2 forwarded a proposal to Respondent No.2, Educational Officer (Secondary), Zilla Parishad, Akola, seeking approval to the

appointment of Petitioner No.3 to the said post. The said proposal was accompanied by all requisite documents. However, by letter dated 27.10.2022 , Respondent No.2, Educational Officer (Secondary), Zilla Parishad, Akola pointed out certain deficiencies in the proposal. The petitioners complied with all such deficiencies and submitted the required documents on 05.07.2023.

6. However, vide order dated 05.02.2026, Respondent No.2, Educational Officer (Secondary), Zilla Parishad, Akola rejected the proposal for approval on the ground that there was a ban on 100% recruitment imposed by the Government vide letter dated 26.09.2024.

7. Aggrieved by such order, the petitioners have approached this court by filing the present petition.

8. We have heard learned counsel for the petitioners, as also, Learned Assistant Government Pleader for the respondents.

9. Learned counsel for the petitioners by taking us through the impugned order states that the sole reason for rejection of the

approval for the appointment of the petitioner No.3 is that there is a ban imposed on 100% recruitment vide order dated 26.09.2024. Learned counsel for the petitioners rightly points out that the Education Officer lost sight of the fact that the ban on recruitment is not applicable in case of minority institution. He further places reliance on the judgment passed in Writ Petition No. 2538/2021, Writ Petition No. 1147/2026, Writ Petition No. 5129/2025, Writ Petition No. 6122/2024, Writ Petition No. 516/2026, and Writ Petition No. 5761/2024. He also relied upon the judgment passed by the Hon'ble Apex Court in *Umakant (Dr.) and others vs. Bhika Lal Jain (1991) II CLR 734*.

10. By taking us through the said judgment, the learned counsel for the petitioners submits that in view of the settled position of law and as interpreted by this Court from time to time, ban on recruitment would not be applicable in case of minority institutions.

11. We have gone through the record of the matter. Admittedly, the petitioner No.1 is a minority institution, as can be seen from the certificate dated 17.06.2005 issued by the State Government in that

regard. It is, therefore, amply clear that the ban on recruitment would not be applicable to the petitioner No.1.

12. In that view of the matter, the impugned order dated 05.02.2026 cannot be sustained in law.

13. We, therefore, pass the following order:

ORDER

(i) The Writ Petition is allowed.

(ii) The letter dated 05.02.2026, passed by the respondent No.2, Education Officer (Secondary), Zilla Parishad, Akola, rejecting approval to the appointment of the petitioner No.3 is quashed and set aside.

(iii) It is hereby directed that the respondent No.2, Educational Officer (Secondary), Zilla Parishad, Akola, shall grant approval to the appointment of the petitioner No.3, namely Naziya Anjum

Shaikh Bashir, for the post of Shikshan Sevak/ Assistant Teacher with effect from the date of appointment i.e. 01.09.2022.

(iv) It is further directed that the respondent No. 1, Deputy Director of Education, Amravati, to include the name of the Petitioner No. 3, namely Naziya Anjum Shaikh Bashir, in Shalarth Pranali and also allot Shalarth ID within four weeks from the date of this order.

14. Rule is made absolute in the aforesaid terms. Writ petition is disposed of.

(NANDESH S. DESHPANDE, J.)

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

Shubham