



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.1529 OF 2026

1. Janata Dnyanopasak Mandal,
Lohgad, Tah. Barshitakli Distt Akola,
Through its Secretary,
Satish Makhram Pawar,
Aged : 51 years, Occupation : Service
R/o. Sumakh Bangalow, Datta Colony,
Gorakshan Road, Akola.

2. Bandu Naik Vidyalaya, Lohgad,
Through its Headmaster,
Tah. Barshitakli Distt. Akola.

3. Rohit Vilas Pawar,
Aged : Adult Occp.: Service
R/o. At Post Loghad, Tah. Barshitakli,
Distt. Akola.

: PETITIONERS

...VERSUS...

1. Deputy Director of Education,
Amravati Division, Amravati.

2. Education Officer [Secondary]
Zilla Parishad, Akola
Distt. Akola.

: RESPONDENTS

Mr. Nikhil Parwani h/f. Mr. P.D. Saliokar, Advocate for Petitioners.
Mr. S.V. Narale, Assistant Government Pleader for Respondents.

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.
DATE : 26th FEBRUARY, 2026.

ORAL JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.

2. Mr. S.V. Narale, learned Assistant Government Pleader waives notice for respondent Nos.1 and 2.

3. The present petition challenges the order dated 29/01/2026, passed by the respondent No.2 Education Officer (Secondary), Zilla Parishad, Akola, rejecting the approval of the appointment of the petitioner No.3, it being arbitrary and bad in the eyes of law.

4. The facts which are emerging from the present petition are that on 19/02/2023 one Shri Kaniram Maniram Rathod, who was working as an Assistant Teacher with the petitioner No.2 School left for heavenly abode. Thereafter, on 07/10/2024 permission was sought by the petitioner No.2 from the Education Officer to fill-up the vacant post and on 05/12/2024 the petitioner No.1 issued advertisement in the newspaper daily "Lokmat" for filling the vacant posts of Shikshan Sevak/Assistant Teacher in its various schools. The petitioner No.3 was appointed on 1/1/2025 on sanctioned and vacant post. Thereafter, on 27/01/2026, the petitioner No.2 sent the proposal of the petitioner No.3 for approval

for the appointment. However, the said proposal was rejected vide impugned communication dated 29/01/2026. The said communication is subject matter of challenge before this petition.

5. We have heard learned counsel for the petitioners and Mr. S.V. Narale, Assistant Government Pleader for the respondents.

6. Learned counsel for the petitioners by taking us through the impugned communication states that only reason for rejection of the approval for the appointment of the petitioner No.3 is that there are 29 posts which are sanctioned and 23 posts are filled in and are working. By referring to earlier Circular dated 26/09/2024, the respondent No.1- Education Officer observed that since no posts can be filled within the limit of 80% posts, approval cannot be granted. Learned counsel for the petitioner 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 i.e. judgment passed by this Court in Writ Petition No.5129/2025 and 6122/2024, as also the recent judgment of this Court in Writ Petition No.516/2026.

7. By taking us through the said judgment, it is the submission of the learned counsel for the petitioners 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 to

minority institution.

8. 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 01/10/2024 issued by the State Government in that regard. It is, therefore, amply clear that as held in judgments supra, the ban on recruitment would not be applicable to the petitioner institution.

9. In that view of the matter, the impugned communication dated 29/01/2026 cannot be sustained in law. We, therefore, pass the following order :

ORDER

(i) The Writ Petition is allowed.

(ii) The communication dated 29/01/2026, 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 shall grant approval to the appointment of the petitioner No.3 for the post of Assistant Teacher (Shikshan Sevak) with effect from the date of appointment i.e. 01/01/2025 and also to allot Shalarth ID to the petitioner No.3 within four weeks from the date of this order.

(iv) The petition is disposed of in above terms.

10. Rule is made absolute in the aforesaid terms.

(NANDESH S. DESHPANDE, J.)

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

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