



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

Writ Petition No.3314/2026

- 1) Shri Chakradhar Swami Shikshan Sanstha, Belati,
Tah. Lakhandur, District Bhandara,
through its Secretary, Shri Nishchay s/o Baliram Donadkar,
Age 38 years, R/o. Bhagyashree Colony, Ganeshpur,
Tq. and Dist. Bhandara.
 - 2) Shri Govind Prabhu Vidyalaya Belati,
Tah. Lakhandur, Dist. Bhandara, through Headmistress.
 - 3) Samir s/o Someshwar Raut,
Aged about 30 years, Occ.-Service as Shikshan Sevak,
R/o At Post Virli (Bk.) Tah. Lakhandur, Dist Bhandara. Petitioners.
- Vs.
- 1) The Deputy Director of Education, Nagpur Division, Nagpur.
 - 2) The Education Officer (Secondary),
Zilla Parishad Bhandara, District Bhandara. Respondents.

Mr. Ram Karode, Advocate for petitioners.
Mrs. Dhande, Advocates for respondents.

CORAM : Smt. M.S. Jawalkar and Nandesh S. Deshpande, JJ.

DATE : 22-04-2026.

Oral Judgment (Per : Nandesh S. Deshpande, J.)

1. Issue notice to the respondents.
2. Learned AGP waives service of notice on behalf of the respondents.
3. We propose to pass the order without calling for a reply, as we do not deem it necessary.
4. **Rule.** Rule made returnable forthwith. Heard finally with the consent of parties.
5. Petitioner No. 1 is a minority institution running and managing Petitioner No. 2 School. It is the contention of the petitioners that on 31.03.2025, Mr. A.D. Raut, who was working as an Assistant Teacher for Standards IX and X, attained

superannuation. Thereafter, to fill the said vacancy, an advertisement dated 03.04.2025 was issued in local newspapers inviting applications for the post of Shikshan Sevak. Petitioner No. 3, possessing the requisite qualification of M.Sc. (Mathematics) and B.Ed., applied pursuant to the said advertisement. Interviews were conducted on 20.04.2025, in which Petitioner No. 3 was found eligible for the said post. The School Committee, by its Resolution dated 29.06.2025, resolved to appoint Petitioner No. 3 as a Shikshan Sevak, and he accordingly joined on 01.07.2025. On 31.07.2025, Petitioner No. 2, being the employer, forwarded a proposal for grant of approval to the appointment of Petitioner No. 3 to the post of Shikshan Sevak. However, the said proposal came to be rejected by the impugned order dated 10.03.2026, which is assailed in the present petition.

6. We have heard the learned Counsel for the petitioners. He submits that this Court has already taken a view in Writ Petition No. 1488 of 2026 and other similarly situated petitions, holding that the ban on recruitment would not be applicable in the case of minority educational institutions. He has also relied upon the judgments of this Court in Writ Petition Nos. 1147 of 2026 and 1528 of 2026 in support of his submissions.

7. The learned AGP fairly concedes to the said position in light of the dictum laid down by this Court in the aforesaid judgments.

8. In an identical set of matters, this Court has already taken a similar view, placing reliance on its earlier judgments rendered on identical facts, as well as on the judgment of the

Hon'ble Supreme Court in *Dr. Umakant and Others vs. Bhika Lal Jain* (1991 II CLR 734).

9. Admittedly, Petitioner No. 1 is a minority educational institution. We are, therefore, satisfied that the present case is squarely covered by the earlier judgments referred to *supra*. Accordingly, we pass the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 10.03.2026 passed by Respondent No. 2 is hereby quashed and set aside.
- (iii) Respondent No. 2 is directed to grant approval to the appointment of Petitioner No. 3 to the post of Shikshan Sevak from the date of his appointment, along with all consequential benefits.
- (iv) Respondent No. 1 is further directed to include the name of Petitioner No. 3 in the Shalarth Pranali and to allot a Shalarth ID within a period of four weeks from the date of this order.

10. Rule is made absolute in above terms. No costs.

(Nandesh S. Deshpande, J.)

(Smt. M.S. Jawalkar J.)