

hvn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 494 OF 2014**

Atish Arunrao Deshmukhk (A.T.D.) ... Petitioner

Versus

Bhanudas Raghunath Jadhav and Ors. ... Respondents

Mr. S.G. Kudle for the petitioner.

Mrs. S.S. Bhende, A.G.P. For respondent nos. 3 and 6.

**CORAM : SMT. VASANTI A. NAIK &  
C.V. BHADANG, JJ.  
DATED : JANUARY 20, 2015**

P.C.

By this petition, the petitioner impugns the order dated 29<sup>th</sup> November, 2013 passed by the respondent no. 1, transferring the petitioner from the school at Boisar to the school at Linganoor, taluka Miraj, District Sangli with effect from 5<sup>th</sup> December, 2013.

The petitioner was working as an Assistant Teacher in the school run by Seva Shikshan Sanstha at Boisar in Palghar Taluka. In the proceedings initiated against the trustees of the respondent trust-Sanstha under S.41D of the Bombay Public Trust Act, the Joint Charity Commissioner passed an order suspending the trustees and appointed a body of fit persons comprising of Shri. Bhanudas Jadhav, Shri. S.G. Wangikar and the Education Officer to administer the affairs of the trust. The body of fit persons through Shri. Bhanudas Jadhav transferred the petitioner to the school at

Linganoor in Sangli District by the impugned order dated 29<sup>th</sup> November, 2013. The petitioner has impugned the said order dated 29<sup>th</sup> November, 2013 in the instant petition.

On hearing the learned counsel for the petitioner and on perusal of the impugned order as also the affidavit in reply filed on behalf of respondent nos. 1 to 3, it appears that the relief sought by the petitioner can not be granted. The transfer of the petitioner in the school at Linganoor appears to have been made on administrative grounds. Shri. S.D. Lokhande who was holding the post of Assistant Teacher in the school at Linganoor had been transferred and the post of Assistant teacher was vacant in the said school. It is not the case of the petitioner that the post of assistant teacher was not vacant in the school at Linganoor and he has been illegally transferred to the said school. It is also not the case of the petitioner that the petitioner has been transferred to Linganoor with a view to favour Shri. Lokhande who has been transferred from the school at Linganoor. The case of the petitioner that the transfer is not made by the body of fit persons, does not appear to be correct. The transfer order is signed by Shri. Bhanudas Jadhav, one of the members on the body of fit persons and it is stated in the affidavit filed on behalf of respondent nos. 1 to 3 that the transfer has been made by the body of fit persons by following the provisions of Rule 41 of Maharashtra Employees of Private School (Service Condition) Rules, 1981. Though the other member on the body of fit persons viz. Shri. Wangikar also joined as party respondent to this petition, it is not the case of Shri. Wangikar that he was kept out by the other two members on the body of fit persons while taking the decision of transferring the petitioner to Linganoor. We find that the transfer order is issued on 29<sup>th</sup> November, 2013 and the petitioner has accepted the same under protest. The Petitioner is not entitled to the relief claimed on the grounds stated in

the petition.

In the result, writ petition fails and is dismissed with no order as to costs.

**(C.V. BHADANG,J.)**

**(VASANTI A.NAIK, J.)**