

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

Writ Petition No.3010/2015

**(Saraswati Mata Vidya Prasarak Mandal, Thanegaon and others .vs. State
of Maharashtra and others.)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. C.B. Dharmadhikari, Advocate for Petitioners.
Mr. S.M. Ghodeswar, AGP for Respondent Nos. 1 to 3.
Mr. B.G. Kulkarni, Advocate for Applicants/Intervenor.

CORAM : B.R. Gavai & Indira K. Jain, JJ.

DATED : July 02, 2015.

The petitioners have approached this Court being aggrieved by the order passed by the Respondent-Education Officer dated 19.5.2015 thereby cancelling the approval granted earlier to the transfers.

The learned counsel for the petitioners submits that the impugned order is liable to be quashed and set aside on the short ground that no reasons are given in support of the order.

From the material placed on record, it appears that initially approval was granted by the Education Officer for transfers. However, subsequently on receipt of certain complaints and on further inquiry, the approval granted has been cancelled.

The material on record would reveal that right from 22.1.2013 Mr. B.B. Kadwe, through whom petitioner no.1 has joined the present petition, has been enjoined from taking any policy decision without seeking prior approval of the Joint Charity Commissioner. Undisputedly prior approval has not been taken by the

present petitioner prior to issuing the transfer orders.

In that view of the matter, since the transfer orders to which the prior approval has not been granted, were in breach of the directions issued by the Joint Charity Commissioner, no error could be found with the order impugned in the petition. The petition is, therefore, rejected.

Needless to state that petitioner no.1 would always be at liberty to take prior approval of the Joint Charity Commissioner before taking any major decision and if such an approval is granted by the Joint Charity Commissioner, the Education Officer would be bound to take the same into consideration and pass the appropriate orders in accordance with the law.

JUDGE

JUDGE

halwai