

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5423 OF 2014

Shri Sant Savata Mali Shikshan
Prasarak Mandal & Anr.

..Petitioners

v/s.

The Director of Education & Ors.

..Respondents

Mr. Sanjiv Sawant for the Petitioner.

Mr.PPKakade, AGP for the Respondent nos.1 to 5

Mr. Surel Shah for the Respondent nos.7 to 9.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 19, 2016.**

P.C.

1. Heard Mr. Sawant for the petitioners, and Mr. Surel Shah for the respondent nos.7 to 9. The petitioners claim that by order dated 31.8.2013 the petitioner no.2 school was transferred from Tembhorni to Indapur. This order was challenged by some of the teachers in Writ Petition No. 11336 of 2013. By order dated 19.12.2013 this court set aside the order dated 31.8.2013 and consequent order dated 14.11.2013 and directed the Director of Education to hold

necessary enquiry and pass fresh order. In pursuance of this direction, the Director of Education after giving opportunity of hearing passed a fresh order dated 27.3.2014 which is impugned in the present case. By the said order the petitioner nos.1's proposal to transfer the petitioner no.2 from Tembhurni to Indapur was canceled. Thereafter consequential orders are passed by the Deputy Director of Education on 7.5.2014 and 29.5.2014. The proposal of the petitioner no.1 was canceled as same is contrary to the policy of the Government for transfer of the school as laid down in the Government Resolution dated 31.7.2013. It was also observed that the petitioner no.2 school was shifted by the petitioner no.1 without prior written permission.

2. We have perused the impugned order dated 27.3.2014 as well as the Government Policy contained in the Government Resolution dated 31.7.2013. We have also perused the letter of the Under Secretary, Government of Maharashtra, dated 1.3.2014 addressed to the Divisional Deputy Director of the Education, Pune Division, Pune which is annexed to the Government reply. The letter discloses that the alleged order dated 31.8.2013 under which the petitioner alleged

that the petitioner no.2 school is transferred to Indapur from Tembhurni was in fact not issued.

3. Be that as it may, under the Government Policy dated 31.7.2013 the transfer of the school can be permitted only in exceptional cases. The petitioner has not made out any exceptional circumstance as stipulated in the said policy. That apart, the report of the Education Authorities also shows that the petitioner no.2 school was closed from 2012.

4. In above facts and circumstances, we are not inclined to interfere in the writ petition. The same is accordingly dismissed. Interim order stands vacated.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)