

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11625 OF 2015

Smt. Sonawane Yogita Kewal
and Others. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

WITH

WRIT PETITION NO. 11624 OF 2015

More Prashant Namdeo
and Others. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

WRIT PETITION NO. 11626 OF 2015

Sonawne Vaishali Dattatraya
and Others. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. N. V. Bandiwadkar i/b Mr. M. G. Bagkar for the Petitioner.
Mr. P. G. Sawant, AGP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 28, 2016.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner
and learned AGP for the State. Petitioner No.3.

2. Maratha Vidya Prasarak Samaj - Petitioner No.3 is
the education institution which runs aided as well as unaided

schools. In the year 2012, Petitioner No.1 in all these petitions were appointed by Petitioner No.3 in unaided schools. In the year 2005, Petitioner No.1 were transferred to Petitioner No.2 – School which is an aided school, namely, Bal Shikshan Mandir. Said Bal Shikshan Mandir, then, filed proposal with the Dy. Director of Education, Nashik Division Nashik for approval to the transfer. By the common order dated 28th July 2015, the Dy. Director of Education, Nashik Division, Nashik granted approval to the transfer of present the Petitioners in aided school. Thereafter pay fixation of these teachers was also done by the Accounts Officer on 7th August 2015.

3. On 8th August 2015, the proposal was submitted by the Principal, Maharshi Shinde Adhyapak Vidyalaya, Gangapur road, Nashik to the Education Officer for including the names of these Petitioners in the salary bills. The grievance of the Petitioners is that though this proposal was submitted as long as back on 8th August 2015, till date no decision is taken by the Education Officer – Respondent No. 3 on the said proposal.

4. Mr. Sawant does not dispute that the transfer of these Petitioners is already approved and accordingly their pay fixation is also done. He, however, submitted that names of these Petitioners are not included in the salary bills in view of the Government Circular dated 28th June 2016. We have gone through the said Circular. The said Government Circular lays

down certain guidelines with regard to the transfer of employees in the unaided school to the aided school. The transfer of the Petitioners is admittedly effected on 4th March 2015 and approval was granted on 28th July 2015, i.e. much prior to the said Circular dated 28th June 2016 came to be issued. The circular, therefore cannot be made applicable retrospectively to the transfer of the Petitioners and on that ground the Petitioner's proposal to include the names of these Petitioners in salary bill cannot be withheld or rejected.

5. In above circumstances, we dispose of these writ petitions by directing Respondent No.3-The Education Officer, Pay & P. F. Unit, Nashik to decide the proposal dated 8th August 2015 [Exhibit-G to the petition] for inclusion of the name of the Petitioners in salary bill. The proposal shall be decided as expeditiously as possible and at any rate within the period of **two weeks** from the date of receipt of a copy of this order. The proposal shall be decided in the light of above observations and the same shall not be rejected on the ground that the transfers of the Petitioners are not in accordance with the Government Circular dated 28th June 2016.

6. Writ Petitions stand disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]