

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

WRIT PETITION NO. 6454 OF 2015.

Rashtriya Shikshan Sanstha, Wani and ors.

..VS..

State of Mah. and ors.

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

Court's or Judge's orders

Mr.Anand Parchure, Advocate for the petitioners.
Mrs.H.N.Prabhu, AGP for respondent nos.1 to 3.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : MARCH 21, 2016.

Petitioners – Management, School and an employee, who has been purportedly transferred under Rule 41 of Maharashtra Employees of Private Schools (Conditions of Service) Rule, 1981 from an unaided School to aided school are before this Court.

Grievance is though two senior peons in unaided school gave no objection to such transfer, proposal for transfer has not been looked into by respondent no.3.

Learned Assistant Government Pleader states that reply affidavit has been filed by respondent no.3.

Advocate Shri Anand Parchure submits that he has received copy of reply-affidavit. That reply-affidavit is not tagged with court records.

In reply-affidavit, respondents point out that

petitioner no.3 did not submit that he has been transferred after obtaining no objection from his senior employees. Learned Assistant Government Pleader further points out that petitioners did not produce no objection certificates procured from two so-called senior employees before respondent no.3.

During hearing, we find that senior employees are not party-respondents before this Court.

The alleged transfer has been made way back in 2013.

In this situation, interest of justice can be met with by directing petitioners to submit a proposal complete in all respect, to respondent no.3 within period of two weeks from today. If such proposal is received, respondent no.3 shall consider it afresh in accordance with law, if necessary after hearing the senior employees whose no objection is claimed to have been obtained.

The final decision in the matter shall be taken within further period of six weeks.

With these directions and keeping all rival contentions open, we dispose of the petition.

No costs.

JUDGE

JUDGE

Chute.