

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 7018/2016

(RAJENDRA PATRUJI TUMBHEKAR VERSUS THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri S.K. Thengri, counsel for the petitioner.
 Shri I.J. Damle, A.G.P. for the R-1.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : DECEMBER 16, 2016.

By this writ petition, the petitioner challenges the order of the secretary of the respondent-Society, dated 09.12.2016 directing the petitioner to join in Mahatma Fule Vidyalaya, Sindewahi as some assistant teachers are declared surplus in view of the staff justification of the year 2015-16.

The learned counsel for the petitioner states that the transfer of the petitioner could not have been effected mid-term in view of the provisions of Rule 41 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. It is stated that the petitioner could not have been transferred to the school in Sindewahi in the month of December. The learned counsel has relied on the judgment reported in **2011(1) Mh.L.J. 307** (*Pawar Bhagwantrao Bhivrao Versus Shri Swami Vivekanand Shikshan Sanstha, Kolhapur & Others*), in this regard.

We are afraid that the petitioner has not made out any ground whatsoever for challenging the impugned order. The impugned order is not a mid-term transfer order. The petitioner is directed to join the school as Sindewahi as some teachers are declared surplus in the school in which the

petitioner is working, in view of the staff justification of the year 2015-16. The petitioner, therefore, cannot complain that his transfer cannot be effected in the midst of the session without there being any administrative reason for the transfer.

Since the petition is misconceived, we dismiss the same with no order as to costs.

JUDGE

JUDGE

APTE