

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7748 OF 2017

Geeta Bhimrao Kedar

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Vitthal G. Salgare, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1,2,4,5 and 8.

Shri Ajay G. Talhar, Advocate for Respondent Nos. 6 and 7.

CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE : 4th July, 2018

PER COURT :

1. The petitioner assails the order of transfer transferring the petitioner from respondent no. 6 - school to respondent no. 7 - school.

2. Mr. Salgare, learned counsel for the petitioner submits that the respondent could not have transferred the petitioner. Rule 41 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, also requires reasons to be

recorded for transfer. There are absolutely no reasons recorded for transfer. The petitioner has a ailing mother resides with her and she would be the only lady teacher at respondent no. 7 - school. According to the learned counsel the order of transfer is erroneous. There are two posts still vacant with respondent no. 6 - school.

3. Mr. Salgare, learned counsel for the petitioner further submits that ATD teacher cannot be even declared surplus.

4. Mr. Talhar, the learned counsel submits that there is no post vacant for the petitioner in respondent no. 6 - school. The petitioner is ATD teacher. There is no lady teacher in respondent no. 7 - school. There are girls students and the husband of the petitioner is also serving with respondent no. 7 - school.

5. It is accepted that the petitioner is working since long time with respondent no. 6 - school. It is stated that the petitioner is transferred on administrative ground. The transfer is not a mid term transfer. The place where the petitioner is transferred i.e.

respondent no. 7 – school, the husband of the petitioner is also works in respondent no. 7 - school. May be the petitioner may not have sought for such a transfer but the fact remains that the management has got the power to transfer. There does not appear to be malafides. This court would have interfered with the order of transfer in case there are malafides or procedure is not followed.

6. Considering the above, we are not inclined to interfere with the order of transfer, however, if the petitioner makes representation for the posting at respondent no. 6 - school or such other school, then the management shall consider the said application on its own merits.

7. Writ Petition accordingly stands disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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