

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
32 WRIT PETITION NO.6387 OF 2018**

RATNAKAR SURYABHAN DUSHING

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER ..RESPONDENTS

...

Mr. R. J. Godbole, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondents-State.

Mr. Prasad V. Jadhavar, Advocate for Respondent No.3.

...

**CORAM : S. V. GANGAPURWALA &  
A. M. DHAVAL, JJ.**

**DATED : 16<sup>th</sup> APRIL, 2019.**

**PER COURT:-**

1. The order dated 20.01.2017 cancelling approval order of the petitioner dated 27.08.2012 is assailed.

2. It is submitted that the petitioner was working with School under Poona Jesuit School Society, Pune. In the year 2011 the petitioner was transferred to the school run under the Vidya Bhavan Trust, Beed. The Vidya Bhavan Trust, Beed and Poona Jesuit School Society, Pune are under the mother institution namely Pune Province of the Society of Jesus, Pune. The petitioner was transferred from aided to unaided post. The Government is not at loss. The petitioner is employee under the minority institution.

3. The learned A.G.P. submits that as the petitioner was transferred to the school run by a

different management, the same was not in consonance with Rule 41 of M.E.P.S. (CS) Rules, 1981.

4. The affidavit is filed by the Provincial of the Pune Province of the Society of Jesus, Pune stating that Vidya Bhavan Trust, Beed and Poona Jesuit School Society, Pune are under the mother trust namely Provincial of the Pune Province of the Society of Jesus, Pune and the employees are transferred whenever needed by the Chairman of the said trust.

5. More over, the respondent-Institution is a minority institution. It can employ three employees of its choice, so also the State is not at loss. The petitioner is transferred to the unaided post where the State is not required to bear the salary.

6. Considering all the aforesaid aspects of the matter, the impugned order cancelling the approval is quashed and set aside.

7. Writ Petition accordingly disposed of. No costs.

**(A. M. DHAVALA)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**