

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11743 OF 2019

Madhukar Vyankatrao Kulkarni

.. Petitioner

Versus

The Education Officer (Secondary)
Zilla Parishad Latur and Others

.. Respondents

Mr. Praddep Deshmukh h/f A. D. Kaware, Advocate for Petitioner.

Mr. V. M. Kagne, AGP for Respondents-State.

Mr. S. M. Vibhute, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 01st OCTOBER, 2019.

PER COURT:-

1. We have heard Mr. Deshmukh, learned Counsel for the petitioner and Mr. Vibhute, learned Counsel for respondent No. 2.
2. The petitioner is challenging the order of transfer. The challenge to the transfer order is on the ground that it is mid term transfer and no reasons are recorded.
3. Mr. Vibhute, learned Counsel submits that the petitioner is creating havoc at Udgir. False criminal complaints are filed and he is not performing his duty.
4. If the management is conducting more than one school, then the management under Rule 41 of the Maharashtra Employees of Private Schools

(Conditions of Service) Regulation Rules, 1981 is empowered to transfer the employee from one school to another on administrative grounds. Sub Rule 2 of Rule 41 mandates that save in exceptional case, and unless reasons are recorded in writing by the management, such transfers shall not be effected in the middle of the term. Perusal of the transfer order dated 30.08.2019, it is clear that no reasons are recorded. The transfer is mid term.

5. In view of the fact that, Rule 41 (2) of the M. E. P. S. Rules is not adhered to and violated. We quash and set aside the impugned transfer order to the extent of petitioner.

6. It is made clear that, considering the fact that, the transfer is mid term transfer and the same is without recording the reasons, we have quashed the impugned order. We have not considered any other aspect of the matter.

7. It is made clear that the present order would not be impediment for the parties to take further steps in accordance with law and rules.

8. Writ Petition accordingly is allowed. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.