

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

WRIT PETITION NO. 13259 OF 2018

Ashok Navnath Pawar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh S. Dambe, Advocate for the Petitioner.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 5.

Shri S. S. Pande, Advocate for Respondent Nos. 6 and 7.

WITH

WRIT PETITION NO. 13256 OF 2018

Shriram Sukhdeo Shinde .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh S. Dambe, Advocate for the Petitioner.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 and 5.

The Respondent Nos. 3, 4, 6 and 7 are served.

WITH

WRIT PETITION NO. 13263 OF 2018

Satish Madanrao Kale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh S. Dambe, Advocate for the Petitioner.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 5.

Shri B. K. Jagtap, Advocate for Respondent Nos. 6 and 7.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.
DATE : 22ND FEBRUARY, 2019.**

FINAL ORDER :

. The petitioners claim to have been appointed by respondents/management by following due selection process as provided U/Sec. 5 of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act (for short “M.E.P.S. Act”).

2. According to the learned Assistant Government Pleader, the petitioners are shown to have been transferred from unaided to aided school without following any procedure and it is not a case of fresh appointments and the same is contrary to Rule 41 of the M. E. P. S. Rules. According to respondents, the resolutions are passed showing continuation from the earlier posts.

3. According to the learned counsel for the management while appointing the petitioners proper procedure was followed as provided under the provisions of the M. E. P. S. Act.

4. The order of the Deputy Director is on the premise that the petitioners are transferred from one management to another institution/management and the same is not permissible. Of course, petitioners cannot be transferred in an institution run by

another management. However, it is submitted by the learned counsel for petitioners and management time was sought to place on record the approval and other documents, however, same was not granted.

5. We allow the petitioners and management to appear before the Deputy Director of Education and place the record showing adherence to procedure prescribed under Section 5 of the M. E. P. S. Act, so also roster and all the relevant aspects. The petitioners and management shall appear before the Deputy Director of Education on 12th March, 2019 and place on record all the relevant documents. The Deputy Director shall consider all the relevant documents, adherence to Sec. 5 of the M. E. P. S. Act, roster, qualification of the petitioner and shall take decision afresh, expeditiously and preferably within a period of three (03) months from the date of appearance of the petitioners and management. The writ petitions are disposed of. No cost.

6. It is made clear that, while deciding individual cases of the petitioners, impugned order would not be an impediment.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]