

(1)

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

WRIT PETITION NO.148 OF 2019

Gajanan Uttamrao Harkal,
Age: 35 years, Occu: Service,
Presently working at Shri Sant
Savta Gurukul Phulambri,
Tq. Phulambri, Dist. Aurangabad,
R/o: Plot No.126, Sure Wadi,
Harsool, Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Principal Secretary,
Department of Education,
Mantralaya, Mumbai-32
2. The Zilla Parishad, Aurangabad,
Through its Chief Executive
Officer, Aurangabad
3. The Education Officer (Secondary),
Zilla Parishad, Aurangabad
4. Pandit Dindayal Uppadhaya
Shikshan Sanstha, Aurangabad
Through its Secretary,
C/o. Dharmvir Sambhaji Vidyalaya,
CIDCO N-5, Aurangabad
5. Shri Junneshwar Vidyalay,
Varud, Tq. And District Aurangabad
Through its Headmaster

..RESPONDENTS

Mr Y. V. Kakde, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondents/State

(2)

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 8th JANUARY, 2019

ORAL ORDER :

Heard Mr Kakde, learned Counsel appearing for the petitioner.

2. The basis prayer made by the petitioner is prayer clause (B), which reads thus:-

"The Hon'ble High Court may be pleased to issue appropriate writ, order or direction in like nature thereby direct the Education Officer Secondary Zilla Parishad Aurangabad to transfer the petitioner from Shri Sant Savta Gurukul Phulambri Tq. Phulambri Dist. Aurangabad to Junneshwar Vidyalay Varud Tq. and Dist. Aurangabad and for that purpose issue necessary writ, order or directions;"

3. It seems that respondent No.4 -Institute is running two schools, namely, Shri Sant Savta Gurukul Phulambri Tq. Phulambri Dist. Aurangabad and Junneshwar Vidyalay Varud Tq. and Dist. Aurangabad. The petitioner

(3)

submitted representation to the Education Officer (Secondary), Zilla Parishad, Aurangabad i.e. respondent No.3 requesting him to transfer the petitioner from Shri Sant Savta Gurukul Phulambri Tq. Phulambri Dist. Aurangabad to Junneshwar Vidyalay Varud Tq. and Dist. Aurangabad.

4. It is stated in the representation that the petitioner is working in the said school, namely, Shri Sant Savta Gurukul Phulambri Tq. Phulambri Dist. Aurangabad as a 'Assistant Teacher' from 15th July, 2010 and his subjects are Mathematics and Science. The request is made to the Education Officer for the transfer of the petitioner to a school having available grant in aid.

5. It seems that under an erroneous impression, representation is submitted to the Education Officer (Secondary), Zilla Parishad, Aurangabad. It is not in dispute that if respondent No.4 is running these two schools,

(4)

it is prerogative of respondent No.4 – Institute to transfer its employees from partially aided school to aided school and such proposal is to be submitted to the Education Officer and the Education Officer grant approval to the proposal. In the present case, such proposal is not submitted by respondent No.4 – Institute.

6. Considering this fact, the petition is disposed of with directions to respondent No.3 that if any proposal is submitted by respondent No.4 for transfer of the petitioner, respondent No.3 to take a decision as expeditiously as possible, needless to state on merits of the proposal, on receiving the proposal from respondent No.4.

With these observations, writ petition is disposed of.

(S.M.GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE