

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

WRIT PETITION NO.612 OF 2019

SUCHITA CHANDRASHEKHAR SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr.R.B. Temak Advocate for Petitioner.
Mrs.M.A. Deshpande, A.G.P. for Respondent Nos. 1 to 3.
Mr.C.T. Jadhav Advocate for Respondents No. 4 to 6.
Mr.A.D. Pawar Advocate for Respondent No. 7.
...

**CORAM: SUNIL P. DESHMUKH AND
M.G. SEWLIKAR, JJ.**

DATE : 4th NOVEMBER, 2020

ORDER :

1. While the petition had been moved against an order dated 19th October 2018 issued by respondent No. 2 rejecting approval to transfer of petitioner from un-aided onto an aided post and the management had passed a resolution on 2nd August 2018 to transfer petitioner on a post receiving grant-in-aid, during the pendency of this petition quite a few developments have taken place.

2. In the order dated 20th February 2020 of this court, it has been observed that, proposal seeking approval to transfer of petitioner from unaided to aided division is rejected on the ground that management has, by subsequent resolution cancelled the earlier resolution transferring the petitioner to the grant-in-aid post. According to management, respondent No. 7 was appointed on the vacant post by following procedure under Section 5 of the Maharashtra Employees of Private Schools (Condition of Services) Act and her appointment has been approved. On behalf of the management, it has been submitted that one post for physics subject has been vacant in respondent No. 6 school where the petitioner had been working, which has been receiving 100% grant-in-aid.

3. Learned AGP had been asked to take instructions in respect of the same and it appears that under a communication dated 28th February 2020 to learned AGP, it has been reported that there is no vacant post for physics subject in Zulal Bhilajirao Patil Junior College, whereas there are three vacant posts for full time physics subject in Jay Hind High School and Junior College, Dhule. It has further been referred to that in the posts those had fallen vacant in Jay Hind High School and Junior College, one is on the retirement of Mr. K.D. Bhawsar.

4. Having regard to said report, parties to the petition reside to a situation that by preparing proper proposal for transfer and accommodation of petitioner in the post fallen vacant on superannuation/retirement of Mr. K.D. Bhawsar, petitioner can be transferred and accommodated on said post receiving grant-in-aid and the procedure in that respect would be followed. The management is amenable to the same.

5. Proper proposal, having regard to aforesaid, may be moved and processed. Learned counsel appearing for management states that proposal referred to above would be prepared in accord with earlier proposal dated 3rd September 2018.

6. In view of aforesaid, the management to prepare proper proposal and the same be processed. Whole process shall be completed within three months from today.

7. Writ petition, accordingly, stands disposed of.

[M.G. SEWLIKAR, J.]

[SUNIL P. DESHMUKH, J.]