

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

915 WRIT PETITION NO.4024 OF 2020

**VEENA SHANTUKRAO SONWANE ALIAS VEENA
CHANDRAKANT JORWEKAR
VERSUS
THE PRINCIPAL SECRETARY SCHOOL EDUCATION AND
SPORTS DEPARTMENT AND OTHERS**

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Advocate for Petitioner : Mr. Nagarkar Avinash M.
AGP for Respondent/s-State : Mr. P. S. Patil.
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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 11.08.2021

PER COURT :-

1. By this petition, the petitioner prays that the provision prescribed through various Government Resolutions applicable to State Instrumentalities in the State of Maharashtra permitting transfer on the basis of couple arrangement inter district, intra district, inter institution, intra institution and the like, should be made applicable even to private educational institutions which receive grant-in-aid.
2. The learned advocate for the petitioner submits that the petitioner is the wife of Chandrakant Jorwekar. She is in the

employment of a private institution operated by the Sarswati Bhuvan Education Society and she is presently posted at Jalna. Her husband is employed with one of the educational institutions conducted by a private education society namely Rayat Shikshan Sanstha at Satara. He is presently posted in Taluka Kopergaon, in a School, which is operated by the Rayat Shikshan Sanstha. By this petition, the petitioner prays vide prayer clause 'B', a Government Resolution should be issued by the State of Maharashtra, which would facilitate the migration of the petitioner from the school operated by the Sarswati Bhuvan Education Society to an educational institution operated by the Rayat Shikshan Sanstha. There is no dispute that the Management and the trustees of these two institutions are distinct and different.

3. The learned AGP submits that the petitioner has put forth an impossible suggestion and the State Government cannot accede to such a request for the reason that Rayat Shikshan Sanstha will oppose tooth and nail for inducting an employee of another educational society, who is not selected and appointed by the Rayat Shikshan Sanstha. This is likely to happen with every educational institution.

4. We find that the submission of the learned AGP is sound. There cannot be a mandate by the State Government and surely not through a Government Resolution, by which, an employee of one private education society could be migrated under the orders of the Government to another education society which had never selected such a candidate. The staffing pattern, the reservation policy and the posts available with such private institutions and their right to select employees in their employment, cannot be disturbed. If the suggestion of the petitioner is accepted, it would virtually amount to changing the employer (of an employee) and compelling a different employer to adopt the services of an employee, who is employed with some other employee.

5. In view of the above, we do not find any merit in this petition and the same is dismissed.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-