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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1860 OF 2020

Shri Sagar Mahadeo Sankpal

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Prashant Bhavake, for the Petitioner.

Mr. N.K. Rajpurohit AGP for Respondent Nos.1 to 4.

Mr. Umesh Pawar, for Respondent Nos.5 and 6.

CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.

DATE : 12 July 2021

ORDER :

1. Leave to amend is granted to correct Respondent No.7 as Respondent No.6. Amendment to be carried out within two days. Re-verification is dispensed with.

2. Rule. Learned Counsel for the Respondents waive service. Rule made returnable forthwith. Heard finally by consent of parties.

3. This Petition seeks a direction against Respondent No.4 - Deputy Director to decide the proposal dated 9th January, 2020 submitted by the Principal to Respondent No.6 - Secondary School on behalf of Respondent Nos. 5 and 6 for individual approval to the transfer of the Petitioner in the post of Assistant Teacher from Secondary section to Higher Secondary Section of Respondent No.6 - Secondary School and Junior College w.e.f. 15th March, 2019.

4. The learned Counsel for the Petitioner refers to the proposal which is at page 28 of the Petition. He submits that this proposal till date has not been considered by the Respondent No.4 - Deputy Director.

5. Accordingly, we direct the Deputy Director of Education, Kolhapur Region to consider and pass an appropriate order on the said proposal dated 9th January, 2020 submitted by the Principle of Respondent No.6 on behalf of Respondent Nos.5 and 6 for individual approval to the transfer of the Petitioner in the post of Assistant Teacher from Secondary section to Higher Secondary Section of Respondent No.6 - Secondary School and Junior College w.e.f. 15th March,

2019 within a period of eight weeks from the date of this order. The Petitioner is at liberty to make legal submissions in writing before the Respondent No.4 Deputy Director with regard to proposal dated 9th January, 2020 within one week from today.

6. The decision on the said proposal shall be communicated to the Petitioner as well as to the Respondent Nos.5 and 6 within a period of one week from the date of decision.

7. We have not considered the merits of the Petition as well as the said proposal dated 9th January, 2020. All contentions of parties are kept open.

8. The Petition is disposed of accordingly in the above terms. Rule is made absolute. There shall be no order as to costs.

[R.I. CHAGLA J.]

[R.D. DHANUKA, J.]