

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 365 OF 2019

Navnath Balaso Shelke

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. Akhil Kupade i/by Manoj Harit and Co. for the Petitioner.

Mr. N. K. Rajpurohit, AGP for the State-Respondent Nos.1 to 3.

Mr. Anand S. Kulkarni for the Respondent No.4-Education Officer.

**CORAM: R. D. DHANUKA AND
R. I. CHAGLA, JJ.**

DATE : 3rd AUGUST, 2021.

P.C. :-

. Leave to amend is granted to the petitioner to delete the respondent nos. 5 and 6. Amendment to be carried out within one week from today.

2. Rule. Learned AGP appearing for the respondent nos. 1 to 3 and learned counsel appearing for respondent no.4 waive services. Heard finally by consent of parties.

3. By this petition filed under Section 226 of the Constitution of India, the petitioner seeks directions against the respondent no.4-Education Officer to accord approval to the proposal dated 8th June, 2017 of the petitioner as Assistant Teacher transferred to the aided school in the same institution with applicable pay-scale w.e.f. from the date of his transfer.

4. There is no dispute that the proposal dated 8th June, 2017 has been submitted by the Head Master, Uthkarsh Primary Vidyalay with the respondent no.4-Education Officer for approval to the transfer of the petitioner from unaided to aided school as Assistant Teacher. The said proposal has till date not been considered by the respondent no.4-Education Officer.

5. The respondent no.4-Education Officer is therefore directed to consider the proposal of the management dated 8th June, 2017 for transfer of the petitioner as Assistant Teacher transferred in aided school of the same institution at applicable pay-scale with effect from the date of his transfer. The respondent no.4-Education Officer shall take decision on the said proposal dated 8th June, 2017 within a period of eight weeks from today and the decision shall be communicated to the petitioner within a period of one week from the date of taking decision.

6. The petitioner is at liberty to submit legal submissions and to rely upon the decisions of this Court in support of the said proposal within two weeks from today.

7. Writ Petition is accordingly disposed of in aforesaid terms.

8. Rule is made absolute.

9. There shall be no order as to costs.

[R. I. CHAGLA, J.]

[R. D. DHANUKA, J.]