

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 108 OF 2021

Sandip Dnyaneshwar Panhale

...Petitioner

Versus

State of Maharashtra & Anr.

...Respondents

Rahul S. Kadam - Advocate for the Petitioner.

Shri N. C. Walimbe – AGP for the Respondent/State

CORAM : S. C. GUPTA AND
SURENDRA P. TAVADE, JJ.

DATE : 25 FEBRUARY 2021.

P.C. :

1. The subject matter of challenge in the present petition concerns approval for the Petitioner's appointment as an 'Assistant Teacher' in Respondent No. 2-School. The school, known as 'Shitaleshwar Vidyamandir', Shitewadi, Taluka Junnar, is run by 'Vighnar Dalit Sarwangan Vikas Mandal'. This trust has another school at Khamgaon, i.e. New English School Khamgaon, Taluka Junnar. The Petitioner was originally working in the former school in an un-aided post. As a result of vacancy having arisen in New English School, Khamgaon, in an aided post, the Petitioner was transferred as the Senior-most teacher

working in an un-aided post under the same institution. The proposal for approval to the Petitioner's transfer, submitted by the School Management, has been rejected by Respondent No.2 -Education Officer, purportedly on the ground of Government Resolution dated 04.05.2020.

2. The Government Resolution dated 04.05.2020 inter alia forbids transfers in Government departments on account of the need felt for maintaining uniformity of measures initiated for dealing with Covid-19 pandemic.

3. We are at a loss to appreciate how this Government Resolution can possibly be invoked for denying approval to the Petitioner's transfer. The Petitioner was working in an un-aided post under the same institution and was transferred to an aided post in the same locality. The impugned rejection is, thus, ex-facie untenable.

4. The impugned order passed by Respondent No. 2 is, accordingly, quashed and set aside and Respondent No. 2 is directed to consider the proposal for approval to the Petitioner's transfer afresh and pass appropriate orders as expeditiously as possible and, in any event, within a period of six weeks from today.

5. The petition is disposed of in above terms.

[SURENDRA P. TAVADE, J.]

[S. C. GUPTE, J.]