

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2191 OF 2021

Jyoti Malkham Rodekar, Aged about 39
years, Occ – Service, R/o Kanhartoli,
Gondia, Dist. Gondia

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.. Petitioner

Versus

1. Education Officer (Secondary),
Zilla Parishad, Gondia
2. Swarupchandji Bahuuddeshiya Shikshan
Sanstha, through its Secretary, Gondia, Th &
Distt. Gondia
3. Rashtriya Madhyamic Vidyalaya, Satona,
through its Headmaster Th & Distt - Gondia

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.. Respondents

Mr. N. R. Saboo, Advocate for petitioner.

Mr. K. L. Dharmadhikari A.G.P for respondent No.1.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 17/11/2021

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard
finally by consent of the learned counsel for the parties present before
the Court.

(2) It is not in dispute that the issue of transfer of the petitioner from partially aided school to fully aided school was subject matter of the same process of transfer in respect of which there was Writ Petition filed by one of the transferred employees, namely, Nisha Dhoke [**Writ Petition No.8046 of 2019**] which was decided finally by this Court as per its Judgment dated 05/04/2021, whereby allowing the petition and relief was granted to said Nisha Dhoke. The relief was granted in terms of statement made in paragraph 9 of the reply filed by the Education Officer in that petition. Copy of said reply has been filed by the petitioner in this petition also. The statement made in paragraph 9 by the Education Officer i.e. respondent No.1 which was accepted by this Court for issuance of a suitable direction in Writ Petition No.8046 of 2019, will also have to be accepted in this petition, as the transfer of the petitioner was the subject matter of the same transfer process.

(3) Therefore, we have no hesitation to allow the petition by stating that this petition is squarely covered by the view taken by this Court in Writ Petition No.8046 of 2019. Hence, the Writ Petition is allowed and it is directed that the petitioner be granted

approval for transfer and absorption as fully aided biology teacher within a period of **two weeks** from the date of the order.

(4) Rule accordingly. No costs.

[ANIL L. PANSARE J.]

[SUNIL B. SHUKRE J.]

KOLHE