

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

Writ Petition No.2401 of 2020

Shahbabu Education Society, Patur, District Akola,
through its Secretary Mr. Syed Ishaque Syed Nabi and ...Petitioners
others

Versus

The State of Maharashtra, through its Secretary, Skill
Development and Entrepreneurship Department, ...Respondents
Mantralaya, Mumbai and others

Shri S.N. Tapadia, Advocate for the Petitioners
Mrs. K. R. Deshpande, AGP for the Respondent Nos.1 to 5- State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 17 FEBRUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioner Nos.2 and 3 are the schools conducted by the
Petitioner No.1-Society. The Petitioner No.4 is working as a teacher with
the Petitioner No.1-Institution.

3. A proposal was submitted in respect of transfer of Petitioner
No.4 from Petitioner No.2 – unaided Higher Secondary School to

Petitioner No.3 – aided High School which has been rejected by Respondent No.5 – Education Officer(Secondary) Zilla Parishad, Akola by the impugned order dated 6 August 2020. The Petitioners have restricted the challenge to the order dated 6 August 2020.

4. The order dated 6 August 2020 rejects the proposal of the Petitioner No.1 in respect of the Petitioner No.4 on the ground that the appointment of the Petitioner No.4 was not approved by the District Vocational Education Officer and Director of Directorate of Vocational Education and Training, Maharashtra State. The learned Counsel for the Petitioners states that both the Education Officer (Secondary) and the Director of Directorate of Vocational Education and Training have taken a different stand. Our attention is drawn to the communication issued by the Respondent No.4-District Vocational Education Officer to the Petitioner No.2 that approval to the post of the Petitioner No.4 need not be granted by his office.

5. It appears that the Education Officer (Secondary) has not taken into account this communication dated 18 March 2020. It is for these two authorities to reconcile the position and take a necessary decision.

6. The Petition is disposed of, directing the Respondent No.5 - Education Officer (Secondary), Zilla Parishad, Akola to take fresh decision taking into account communication dated 18 March 2020 annexed at Annexure 'M'. In case any clarification is required, it is open to the Education Officer (Secondary) to seek the same from the

Respondent No.4 – District Vocational Education Officer, who would respond to those queries. Let a fresh decision be taken in the light of what is stated above within a period of six weeks.

7. The Writ Petition is accordingly disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]