

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

WRIT PETITION NO. 6035 OF 2019.

Ku. Ranjana Tulshiramji Dharmale. Petitioner.

-VERSUS-

1.The Yeoda Education Society, Yeoda
and others. Respondents.

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Shri P.R. Agrawal, Advocate for the Petitioner.

Ms. A. Lanjewar, Advocate h/f. Ms. R.D. Raskar, Advocate for the
Respondent Nos. 1 and 2.

Shri D.P. Thakare, Additional Government Pleader for Respondent
No.3.

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

DATE : 5 MARCH 2021.

P.C.

The Petitioner – Assistant Teacher has challenged the order of transfer dated 10 August 2019 from Yeoda Tq. Daryapur to Talegaon Thakur, Tq. Tiosa in Amravati District, within the Respondent Management.

2. The Writ Petition was filed on 25 August 2019 and while

issuing notice to the Respondent Management, the Division Bench passed for following exparte ad-interim order :

“ *Heard.*

2. *Relying on Rule 41[2] of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 it is urged that, save in exceptional cases and unless reasons are recorded in writing by the management, the transfer shall not be effected in the middle of the term. It is further urged that petitioner has been transferred on 10.08.2019 i.e. after commencement of the session and no reasons are recorded separately for effecting such midterm transfer.*

3. *Issue notice for final disposal of the matter, returnable on 06.11.2019. Learned Addl.G.P. waives notice for respondent no.3.*

4. *In the meantime, parties are directed to maintain status-quo in relation to transfer of petitioner.”*

3. The main contention of the Petitioner, as can be seen from the order is that the Petitioners’ transfer was a mid term transfer and it was without reasons as required by Rule 41 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. It is on that ground that the order of transfer was stayed. However, in March 2021, the concept of midterm transfer now no longer survives, as the ground of midterm transfer cannot be continued beyond the full term.

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4. The learned Counsel for the Petitioner submits that the Petitioner has filed a Pursis placing on record certain medical papers. These medical records are also a year old. As regards personal difficulties of the Petitioner, it is open for the Petitioner to make necessary representation to the Respondent Employer and it is for the Respondent Employer to consider the same depending on the administrative exigencies. No ground of malafide is pleaded and proved against the Respondent Management, and we do not see any reason why if there are genuine difficulties, they cannot be pointed out.

5. It is open to the petitioner to make necessary representation to the Respondent Management in this regard, which will be decided as per law. We clarify that this however does not mean that we have extended the interim order till disposal of the representation.

6. The Writ Petition is disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

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by Rakesh
Dhuriya
Date: 2021.03.10
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