

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

Writ Petition No. 8159 of 2021

Pradip Manik Chaudhari	...	Petitioner
v/s.		
The State of Maharashtra & others	...	Respondents

With
Writ Petition No. 8134 of 2021

Mahesh Babanrao Raskar	...	Petitioner
v/s.		
The State of Maharashtra & others	...	Respondents

With
Writ Petition No. 8160 of 2021

Mohsin Mubarak Shaikh	...	Petitioner
v/s.		
The State of Maharashtra & others	...	Respondents

With
Writ Petition No. 8161 of 2021

Anjali Vitthal Walake	...	Petitioner
v/s.		
The State of Maharashtra & others	...	Respondents

With
Writ Petition No. 8162 of 2021

Satish Baliram Pokhare	...	Petitioner
v/s.		
The State of Maharashtra & others	...	Respondents

Ms. Pranita P. Hingmire for the Petitioner.

Mr. N.C. Walimbe, AGP for the State.

MR. Mandar Bagkar for Respondent No.3.

CORAM : A.S.Chandurkar & G.A. Sanap, JJ.

29th April 2022

P.C.

Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. The challenge raised in these writ petitions is to the order of transfer of each Petitioner by treating them as Shikshan Sevak despite the fact that they have attained the status of Assistant Teacher in view of provisions of Section 5(2) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulations Act, 1977. Further challenge is also raised to the order passed by the Education Officer granting approval to the said transfer as Shikshan Sevak.

3. The learned Counsel for the Respondent No.3 – management on instructions submits that the management shall issue fresh orders of transfer bearing the same date by indicating the fact that each Petitioner is being transferred as an Assistant Teacher. He submits that such fresh orders of transfer would be issued within a period of two

weeks from today. If such fresh orders of transfer are accordingly issued, the Respondent Nos.3 and 4 are at liberty to submit fresh proposals for grant of approval to the transfer of each Petitioner on the post of Assistant Teacher. If such fresh proposals are received by the Education Officer (Secondary), he shall consider the same in accordance with law and pass orders within a period of four weeks of receipt of such proposal.

4. Needless to state that if the approval is granted, the Petitioners would be entitled for all consequential benefits including the inclusion of their names in the Shalarth ID.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

(G.A.Sanap, J)

(A.S. Chandurkar, J)

Lata Panjwani, P.S.