

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1654 OF 2022

Kishor Satish Bharate

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Satish S.Raut for the Petitioner.

Mrs.P.N.Diwan, A.G.P. for the State – Respondent nos. 1 to 3.

Mr. Rupesh K.Bodake for the Respondent nos. 4 and 5.

Ms.Bhagyashri Ranade for the Respondent no.6.

CORAM : A.S.CHANDURKAR &
G.A.SANAP, JJ.
DATE : 4TH MAY, 2022

P.C:-

Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 5th October, 2020 rejecting the proposal seeking approval to the petitioner's transfer from an unaided section to the aided section of the respondent no.6 school.

3. On 18th February, 2022, while issuing notice, the respondent nos. 4 and 5 were directed to examine the legal position and file affidavit in that regard. The respondent nos. 4 and 5 have filed their affidavits and it has been stated in the paragraph (2) that in view of the various decisions of this Court, the grievance of the petitioner could be reconsidered by withdrawing the impugned order. It is however stated that along with the proposal various other documents as prescribed have not been placed by the petitioner/management.

4. In view of the aforesaid, the following order is passed :-

(a) The order dated 5th October, 2020 is set aside to enable re-consideration of the proposal for grant of the approval to the petitioner's transfer.

(b) The petitioner as well as the management to furnish fresh proposal in continuation of the earlier proposal dated 26th August, 2020. All necessary documents shall be annexed to the same.

(c) The respondent no.4 shall consider that proposal in accordance with law within a period of four weeks from receipt of such proposal.

(d) The decision thereof be taken within further period of four weeks and the same be communicated to the petitioner.

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

[G.A.SANAP, J.]

[A.S.CHANDURKAR, J.]