

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.3930 OF 2021

Rupali Popat Mhetre,
At Post Belsar, Tal. Purandar,
Dist. Pune ... Petitioner

Vs.

The State of Maharashtra,
School Education and Sports
Dept. Mantralaya, Mumbai and ors. Respondents

Mr Saurabh Pakale, Advocate i/b Mr S. M. Katkar,
Advocate i/b Mr S. M. for petitioner.
Mr N. K. Rajpurohit, Assistant Government Pleader for
respondent Nos.1 and 2.

CORAM : A. S. CHANDURKAR AND G.A.SANAP, JJ.
DATED : APRIL 25, 2022

P.C.

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

Learned Assistant Government Pleader waives
notice on behalf of the respondent/State.

2. The petitioner was appointed as an Assistant
Teacher initially on an un-aided Section of the
respondent No.5-School in June 2014. Subsequently her

services were transferred to the aided Section of the said School. Since her transfer to the aided Section has not yet been approved the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submits that transfer from un-aided Section to an aided Section of the same school is permissible and the appointment of the petitioner as been initially approved when she was appointed on an un-aided Section deserves to be continued. Reliance is placed on the judgment of this Court in Writ Petition No.11090/2016 (*Swati Bhausaheb Aher vs. The State of Maharashtra and ors. With connected writ petitions.*) dated 18/09/2017.

4. The learned Assistant Government Pleader for the respondent Nos.1 and 2 however submits that the present petitioner has not made a representation seeking grant of approval to her transfer to the aided school. If such representation is made, the same would be considered by the respondent No.2 in accordance with law.

5. In view of aforesaid, the writ petition is disposed of by permitting the petitioner to make a representation to the respondent Nos.4 and 5 in that regard for grant of approval to her appointment on the aided Section of the respondent No.5-School. The respondent Nos.4 and 5 shall if they receive such proposal from the petitioner forward the same to the Competent Authority-respondent No.2 for consideration. The respondent No.2 shall consider such proposal in accordance with law expeditiously. Amongst all relevant aspects, the observations of this Court in *Swati Bahusaheb Aher* (supra) shall also be kept in mind. The respondent No.2 shall communicate the decision taken to the respondent Nos.4 and 5 accordingly.

Rule is made absolutely in aforesaid terms with no order as to costs.

(G.A.Sanap, J.)

(A. S. Chandurakr, J.)