

## WRIT PETITION NO.8548 OF 2021

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DATE : 15 JUNE 2022

2 We have heard learned Counsel for the Petitioners and learned AGP  
for the Respondent-State.

3 It needs to be considered that the proposal seeking approval to the transfer of Petitioner No.1 from unaided post to aided post was already granted by the Education Officer under Order dated 15 March 2017. The said Order could not have been reviewed by the Education Officer. The Order can be set aside only by the higher officer.

4 Be that as it may. The Petitioner's appointment to an aided post is also approved with effect from the year 2008. It would be too late now to contend that while Petitioner No.1 was appointed, Rule 9 of the Maharashtra Employees of Private Schools Act, 1977 was not followed. Petitioner No.1 claims to belong to OBC Category. The Order nowhere states as to how Rule has not been adhered to.

5 The Education Officer has not clarified detailed as to how the reservation policy was not adhered to. If the post is available for the OBC category, then certainly Petitioner No.1 was entitled to be appointed. After a long slumber, the same ought to have been gone into when twice the approval was granted to the appointment of Petitioner No.1 once on unaided post and subsequently upon transfer to the aided post.

6 In the light of that, the impugned Order 21 May 2020 is quashed and set aside. The proposal shall be forwarded by the Education Officer for grant of Shalarth I.D. to Petitioner No.1 within four weeks from today and thereafter a decision be taken to issue Shalarth I.D. to Petitioner No.1 within two months thereafter. Consequential benefits shall follow.

7 Writ Petition is disposed of. No costs.