

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5235 of 2021

Shubhangi Vikram Pawar & Anr .. Petitioners
Versus
The State of Maharashtra & Anr .. Respondents

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Mr.J.D. Khairnar for the petitioners.
Mr. S.H. Kankal, AGP for the State.

CORAM: RAVINDRA V. GHUGE, J.
DATED : 22nd FEBRUARY, 2022

P.C:-

1 On 15/2/2022, I had passed the following order :-

- “1. Despite several judgments delivered by this Court, few of which have been placed on record, at the Principal Seat as well as at the Benches, the Education Officer is granting approval to the transfer of the eligible teacher from the unaided category to the post available in the aided institution, stage-wise when there ought to be a clear transfer from the unaided post to the aided post.
2. It is a matter of circumspection as to why does the Education Officer, Zilla Parishad act in this way despite several orders being passed by this Court.
3. The learned AGP appearing on behalf of the respondent nos.1 and 2 submits that he would take instructions and make a statement on the next date.

4. List this petition in the passing orders category on 22/02/2022.”

2 The learned AGP submits, on specific instructions, that this is not a case of transferring from unaided category to the aided category in the same level i.e. primary to primary or secondary to secondary. The petitioner desires the transfer from unaided category to aided category from the primary level to the secondary level. This is not permissible.

3 The learned Advocate for the petitioners submits, on instructions, that the petitioners would withdraw this petition and would explore as to whether they have a legal remedy available for claiming such a benefit viz. approval from unaided to aided category by moving from the primary to the secondary level.

4 In view of the above, this Petition is disposed off.

5 The petitioners are at liberty to avail of a remedy as may be permissible in law. All contentions are kept open.

RAVINDRA V. GHUGE, J