

Dusane

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

WRIT PETITION NO. 8127 OF 2021

Rajendra Eknath Otari

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.06.10
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Mr. Chetan Patil for Petitioner.

Mrs. P.J. Gavhane, AGP for State.

Mr. Tapan Thatte for Respondent no.6.

Mr. C.G. Gavnekar a/w A.C. Gavnekar for Respondent nos. 4 and 5.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 9TH JUNE 2022

P.C. :

1. Heard learned counsel for the Petitioner and learned counsel for the Respondents.

2. The Petitioner is transferred from Respondent no.5 to Respondent no.6. It is the contention of the learned counsel for the Petitioner and Respondent nos. 4 and 5 that because of the reduction in the strength of

students, the post on which the Petitioner was working, was reduced. As such the Petitioner was transferred to Respondent no.6 - School as Assistant Headmaster. The Headmaster of Respondent no. 6 - School did not allow the Petitioner to join. It is further submitted that the Education Officer has also directed Respondent no.6 to allow the Petitioner to join.

3. Learned counsel for Respondent no.6 submits that there is an order of the Deputy Director of Education not to accept the instructions of the persons from the management. The Respondent no. 6 was only getting the instructions of the Deputy Director of Education.

4. Be that as it may, as contended by the Petitioner and learned counsel for Respondent nos. 4 and 5, the Education Officer has directed the Respondent no.6 to allow the Petitioner to join, in that scenario the Respondent no.6 would allow the Petitioner to join Respondent no. 6 - School. More so the learned counsel for Respondent no. 6 on instructions of the Headmaster present in the Court makes a statement that the vacant post is available.

5. In light of that, Respondent no.6 shall permit the Petitioner to join in the Respondent no. 6 - School as per order of transfer. After the Petitioner

joins, Respondent no. 6 will take further steps with regard to salary bill of the Petitioner.

6. Pursuant to the warrant issued by this Court, Respondent no. 6 is present. In light of that, the order issuing warrant against Respondent no. 6 is recalled.

7. Respondent no. 5 may relieve the Petitioner immediately.

8. The Writ Petition is disposed of.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)