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

WRIT PETITION NO. 983 OF 2019

Kamata Prasad Vijay Bahadur Singh

... Petitioner

V/s.

Shobha Education Society and Ors.

... Respondents

Mr. Mayuresh S. Lagu for the Petitioner

Mr. B.V. Samant, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
AMIT B. BORKAR, JJ.***

DATE : 3 JANUARY 2022

P.C. :-

The Petitioner has filed this Petition for a direction to the Respondents to appoint the Petitioner in secondary section of Respondent No.1 – School with effect from March 2013. Notice was issued in this Petition. The Respondent No.1 is served. None appears for the Respondent No.1.

2. The learned AGP states that such an appointment in the secondary school on the aided post cannot be sought for by the Petitioner as there are Rules and Regulations governing an

appointment of a teacher on aided post. The learned Counsel for the Petitioner states that what is in effect sought for by the Petitioner is a transfer from the unaided section of the Respondent No.1 – school to aided section in view of the vacancy. The learned AGP states that as regard transfer, different set of Rules and Regulations would apply and since the Petitioner has sought for appointment, the same was processed accordingly.

3. The request of the Petitioner is based on a position of March 2013. It is not clear as to whether as on date there is any vacancy in the secondary section. Furthermore, the Petitioner is now seeking a transfer. In light thereof, it will be appropriate that the Petitioner makes a fresh application, if there is any vacancy, and that the authorities take a decision as per law within a particular time.

4. The Writ Petition is disposed of granting liberty to the Petitioner to apply as above. If the application is made within a period of four weeks, same be decided by the Respondent No.1 within a period of four weeks thereafter and further action to be taken if any by the Respondent Nos. 2 and 3 should be within four weeks thereafter and the outcome be communicated to the Petitioner accordingly. The action to be taken by the Respondent as per law.

AMIT B. BORKAR, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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