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

WRIT PETITION NO. 5169 OF 2022

Mrs. Revati Dhananjay Thakur
(Ms. Revati Padaji Thakur)

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. N. V. Bandiwadekar i/by Ms. Ashwini N. Bandiwadekar for the
Petitioner.

Mr. Chetan Patil a/w Mr. Mandar Bagkar for the Respondent Nos. 3
and 4.

Mr. K. S. Thorat, AGP for the State-Respondent Nos. 1 and 2.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 3rd OCTOBER, 2022

P.C. :-

. The proposal seeking approval to the transfer of petitioner from
unaided to aided is rejected.

2. It is the case of the petitioner that the appointment of the
petitioner on unaided post is approved. The petitioner was transferred
to the aided post on vacancy being available on 1st August, 2019. The
proposal is rejected on various grounds.

3. The grounds 1 to 4 may not apply as the same pertain to fresh
appointment. As far as ground 5 about the caste validity certificate is
concerned, the contention of the learned counsel for the petitioner is
that the petitioner was appointed from Open General category. The
other ground is regard to the petitioner not possessing TET

qualification. The learned counsel for the petitioner submits that the petitioner is appointed to teach IXth and Xth standard and for IXth and Xth, TET qualification is not mandatory qualification.

4. The learned AGP submits that there is one teacher surplus in the respondent school. She was directed to be absorbed in another school, the another school did not join her as such the respondent school is directed to pay her salary. The learned counsel for the petitioner submits that she was appointed to teach Vth standard.

5. For the proposal seeking approval to the transfer of the petitioner from unaided to aided, the advertisement, no objection certificate, interviews would not be necessary. The Education Officer has to consider the seniority, the roster, the qualification for transfer to the aided post. It is for the petitioner to establish that the petitioner was appointed to teach IXth and Xth standard with necessary documentary evidence before the Education Officer. It is also for the Education Officer to consider staffing pattern, the classes for which the petitioner is appointed to teach and come to the conclusion.

6. In light of the above, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner from unaided to aided, on its own merits.

7. Considering the observations herein above, the petitioner and/or the Management shall place on record the documents to demonstrate that the petitioner was appointed to teach IXth and Xth, so also the staffing pattern, the Education Officer shall thereafter arrive at the

conclusion afresh and decide the proposal on its own merits, preferably within six months.

8. Writ Petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]