

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1508 OF 2020

Shri Devanand Atmaram Duryodhan -- Petitioner/s

Vs.

The State of Maharashtra & Ors. -- Respondent/s

Mr. P.P. Thakare, Advocate for the Petitioner.

Ms. K.R. Deshpande, A.G.P. for Respondent Nos. 1 to 3.

Mr. R.M. Ahirrao, Advocate for Respondent Nos. 4 and 5.

CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.

DATE : 18 APRIL 2022.

P. C. :

The Petitioner was appointed in the year 2003 as 'Junior Lecturer' with Respondent No.5 – College. Upon request of the Petitioner, the Petitioner was transferred from an un-aided division of the Junior College to the aided division of the Junior College on 30 June 2018 with effect from 18 December 2018. The State Authorities have not granted approval to the same. The decision of the Division Bench of this Court in the case of *Pramod s/o Prabhakar Pokale Vs. State of Maharashtra and others*¹ is placed on record contending that the same is not prohibited under the Rules. Our attention is also drawn to the amended Rule 41 A of the

Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

2. It is not necessary to go into the details of the controversy any further in light of the affidavit filed by Respondent No.2 that the proposal in respect of the Petitioner was returned to the Respondent – Management and in spite of various communications, the last one being of 3 January 2020, the Management has not re-submitted the proposal.

3. Learned Counsel for Respondent – Management states that fresh proposal after removing the deficiencies would be submitted within a period of two weeks.

4. The statement is accepted. After the proposal is submitted, the decision be taken by Respondent No.2 within a period of six weeks thereafter subject to other earlier time bound and urgent commitments, and the same be communicated to the Petitioner and the Respondent – Management.

5. The Writ Petition is accordingly disposed of.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]