IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

903 WRIT PETITION NO.1697 OF 2023

BHARAT MULTIPURPOSE EDUCATION SOCIETY,
THROUGH ITS SECRETARY D. P. NADARGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Anand Vinayakrao Patil Indrale.
AGP for Respondent Nos.1, 2 & 4 : Mr. V. M. Kagne.
Advocate for Respondent Nos.3 : Mr. Uttam Bajirao Bondar.
...

CORAM : **RAVINDRA V. GHUGE & SANJAY A. DESHMUKH, JJ.**

DATE : 08th March, 2023.

Per Court:

1. The Petitioner is aggrieved by the order dated 16th January, 2023 passed by Respondent No.3, Education Officer (Primary), Zilla Parishad, Latur vide which the proposal of Petitioner No.2, for absorption from the unaided category to the aided category, has been rejected.

2. We have considered the submissions of the learned Advocates for the respective sides.

3. The learned Advocate for the Petitioners submits that Petitioner No.2 is a trained graduate teacher. He is presently working

in the partially aided primary section to which 20% grant-in-aid has been sanctioned. A permanent post in the secondary aided establishment in another school of the same education trust, is vacant.

4. The learned Advocate for the Zilla Parishad points out Rule 41A (1)(d) of the MEPS Rules, 1981, which bars the transfer from primary to higher primary, higher primary to secondary or secondary to higher secondary or higher secondary to D. El. Ed. schools or vice-versa. A Government Resolution dated 1st April, 2021 has been specifically introduced for the said purpose. So also, the senior available surplus teachers will have to be absorbed first.

5. In view of the above, the impugned order cannot be faulted. This Petition is, therefore, dismissed.

6. We, however, record that as and when the Petitioner's/employee's turn arrives, based on seniority, his claim shall be considered for absorption in the aided establishment, subject to the parameters of Rule 41A of the MEPS Rules, 1981.

[SANJAY A. DESHMUKH, J.] [RAVINDRA V. GHUGE, J.]

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