

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

77 WRIT PETITION NO.4563 OF 2023

SATISH ANNASAHEB BHOSALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND ANOTHER

Mr. V. D. Sapkal, Senior Advocate, i/b Mr. Sandip R. Sapkal, Advocate for
Petitioners.

Mr. P. S. Patil, AGP for Respondents.

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

DATE : 25th April, 2023.

Per Court:

1. The Petitioners are aggrieved by the order dated 29th March, 2023 passed by the Education Officer (Secondary), Respondent No.2 herein, refusing to accord approval to the transfer of Petitioner No.1. The proposal dated 31st January, 2023 has been turned down only for the reason that there are 2 factions amongst the trustees.

2. Petitioner No.1 is the employee, who has been transferred. Petitioner No.2 is the management, which has multiple schools which are covered by Rule 41 of the MEPS Rules, 1981. Transfer can be on administrative grounds. The Education Officer has

to consider the entire record and unless there is any serious grievance either by the transferred person or by any other stakeholder, Rule 41 is to be read in the backdrop of the reasons assigned by the management for such transfer. Internal squabbles cannot be a ground for turning down a proposal unless the squabbles reach the roots of the selection and appointment of a candidate.

3. In view of the above, **this Petition is partly allowed**. The impugned order dated 29th March, 2023, is quashed and set aside. Respondent No.2 is directed to reconsider the proposal, strictly in accordance with the Rules applicable and the documents / records, which are necessary for scrutiny while considering grant of approval to such proposals. Let this exercise be completed within 45 days from today.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]