

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9291 OF 2021

Pradip s/o Vishwanath Rathod ... **PETITIONER**

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai
2. The Director of Education
State of Maharashtra, Pune
3. The Regional Deputy Director,
Aurangabad, Tq. and Dist. Aurangabad
4. The Education Officer (Secondary)
Zilla Parishad, Jalna
Tq. and Dist. Jalna
5. Shri Vardhaman Stanakvasi Jain
Shravak Sang, Guruganesh Nagar
Jalna, Tq. and Dist. Jalna
through its Secretary
6. The Headmaster,
Shri Mahavir Stanakvasi Jain
Secondary and Higher Secondary School,
Jalna, Tq. and Dist. Jalna
7. Krishna s/o Sumanthan Tambe
8. Arjun s/o Suresh Pisore
9. Sopan s/o Prabhakar Gholap ... **RESPONDENTS**

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Advocate for Petitioner : Mr. S.R. Kolhare

AGP for Respondent/State : Mr. P.S. Patil

Advocate for Respondent Nos.5 and 6 : Mr. V.S. Panpatte

Advocate for Respondent Nos.7 to 9:Shri Kurundkar h/f. Mr. A.S. Deshpande

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, J.J.**

DATE : 12.07.2023

PER COURT :

Heard the learned advocate for the petitioner, learned AGP,
learned advocate Mr. Panpatte for the respondent Nos.5 and 6 i.e. the

Management and the Headmaster as also the learned advocate Mr. Kurundkar h/f. Mr. Deshpande for the respondent Nos.7 to 9.

2. The petitioner has preferred this petition aggrieved by the order passed by the Deputy Director of Education refusing to grant approval to his transfer from unaided division to aided division holding him to be the junior.

3. The learned advocate for the petitioner and that of respondent Nos.5 and 6 tender across the bar terms of compromise, wherein, the Management has now, in view of the vacancy, transferred the petitioner to the aided division they have settled the terms of compromise.

4. We are only concerned with the fact that there is a statement in that terms of compromise to the effect that the order impugned in the petition is to be quashed and set aside. In fact in the earlier portion in para No.8 it has been expressly mentioned that the petitioner and the respondent Nos.5 and 6 undertake to abide by the direction and decision to be taken by the Education Officer.

5. The learned advocate for the respondent Nos.7 to 9 submits that his clients do not have any objection to such settlement.

6. Without deciding anything much less regarding the legality or otherwise of the compromise and subject to the decision to be taken by the respondent - Education Officer and the Deputy Director of Education we take this compromise terms on record and as requested by the learned advocate for the petitioner dispose of the petition.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)