

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

WRIT PETITION NO.9558 OF 2023

Manisha Dattatray Auti @
(Vaishnavi Sandip Rasal)

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through it's Principal Secretary,
Education and Sports Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education
Pune Division, Pune.
3. Hind Seva Mandal Ahmednagar,
Tal. & Dist. Ahmednagar
through it's Secretary.
4. B. R. Khatod Kanya Vidyalaya,
Junior College, Shrirampur,
Tal. Shrirampur & Dist. Ahmednagar
through it's Principal

... **RESPONDENTS**

...

Advocate for Petitioner : Mr. Wakade Ramesh I.

AGP for Respondent/State : Mr. A.A. Jagatkar

Advocate for respondent Nos.3 and 4 : Mr. Vasant B. Patil

...

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

DATE : 07.08.2023

PER COURT :

Heard the learned advocate for the petitioner, learned AGP and the learned advocate Mr. V.B. Patil who appears *suo moto* for respondent Management and the Headmaster.

2. The petitioner who has been transferred from unaided division to aided division has been seeking approval to such transfer effected under Rule 41 (A) of the Maharashtra Employees of Private Schools (Conditions of

Service) Rules 1981. By the impugned order dated 22.05.2023 the Deputy Director of Education has informed the respondent Principal that the proposal was deficient in many respect. Even the eligibility of the petitioner for want of educational qualification was also raised.

3. The learned advocate for the petitioner submits that the petitioner has acquired necessary qualification and merely seeks a direction to the Principal to forward a fresh detail proposal. The petitioner would cooperate the respondent Principal in forwarding the proposal.

4. We dispose of the writ petition by directing the respondent No.4 Principal to make a fresh proposal to the Respondent No.2 as early as possible and in any case within four weeks. The proposal shall respond to the grounds mentioned in the impugned communication dated 22.05.2023. On receipt of such proposal, the respondent No.2 shall pass a fresh order on its own merits as expeditiously as possible and in any case within six weeks of receipt of the proposal.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)