

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7722 OF 2021

Shri. Sandeep Maruti Marathe
Age : 34 Years, Occ : Service,
R/at: B-8, Phase No.1,
Omkar Park, Rajmudra Society,
Dhankawadi,
Pune: 411 043.

... Petitioner

V/s.

1. State of Maharashtra
Department of School
Education, Mantralaya, Mumbai
(Through its Secretary)
2. The Deputy Director of Education, (Primary),
Pune Region,
17, Dr. Ambedkar Road,
Pune 411 001.
3. The Education Officer (Primary),
Zilla Parishad, Pune,
Near SGS Mall, Pune 411 001.
4. The Administrative Officer,
Education Department
(Primary),
Pune Municipal Corporation,
Shivaji Nagar, Pune 411 005.
5. Shri Shivaji Maratha Society,
Near Mamaledar Kacheri,
Shkrawar Peth
Pune 411 001.
(Through it's Secretary)

6. Maharashtra Education Society,
1214-1215, Sadashiv Peth,
Pune: 411 030
(Through it's Secretary)

... Respondents

Ms. Kumud A. Bhatia for the Petitioner.

Mr. Sarang S. Aradhye a/w. Ms. Shruti Kothavade, Mr. Shantanu Gurav, Mr. Saarth S. Chordia for Respondent No.6.

Mr. Prathamesh Bhargude a/w. Mr. Sharad Dhore, Mr. Sumit Sonare for Respondent No.5.

Mr. N. C. Walimbe, Addl. G. P. a/w. Mr. R. P. Kadam, AGP for Respondent-State.

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**CORAM : A. S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.**
DATE : 1ST DECEMBER 2023

Oral Judgment (Per A. S. Chandurkar J.):

1. Rule. Rule made returnable forthwith and heard the learned Counsel for the parties.

2. The Petitioner came to be appointed on the post of Primary Teacher at the school run by the 6th Respondent. His services were declared as surplus teacher on 17.11.2014, as a result of which he was transferred to another school. Thereafter, on 27.07.2019, the said school transferred the services of the Petitioner to yet another school. The Petitioner seeks repatriation of his services at the school run by the 5th Respondent on the

premise that a vacancy is now available there.

3. Having heard the learned counsel for the parties and having perused the documents on record we find that the situation that arises is governed by the provisions of Rule 26 of the Maharashtra Employees of Private School (Conditions of Service) Rules, 1981. As per Rule 26(4) thereof a provision has been made to enable an employee to be repatriated to his original school. In the facts of the case, the interests of justice would be served by directing the Petitioner as well as the 5th Respondent to act in accordance with provisions of Rule 26(4) of the Rules of 1981. The Petitioner shall accordingly communicate his address to the 5th Respondent by registered post as required. As and when a post for an additional teacher for the same subject is available the 5th Respondent shall inform the Petitioner of the same. The Petitioner is thereafter free to take appropriate steps in the matter.

4. By directing the Petitioner as well as 5th Respondent to act accordingly, the Writ Petition is disposed of.

5. Rule accordingly with no order as to costs.

(FIRDOSH P. POONIWALLA, J.)

(A. S. CHANDURKAR, J.)