

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.234 of 2019

Kazi Syed Ahteshamuddin S/o Syed Rafatullah

Versus

State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri R.S. Khobragade, Counsel for Petitioner.

Smt. S.S. Jachak, Assistant Government Pleader for Respondent Nos.1, 2 and 4.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : 18th APRIL, 2023.

P.C. :

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

2. The petitioner, who is serving as Assistant Teacher at the respondent No.6-School, came to be absorbed in a School run by the Nagar Parishad by the impugned order dated 14-12-2018. It is the grievance of the petitioner that the procedure prescribed by the Government Resolution dated 4-10-2017 was not followed while transferring the services of the petitioner. The petitioner has filed a pursis dated 29-7-2022 stating therein that presently there are about five vacancies available in the Zilla Parishad Schools where the services of the petitioner can be accommodated.

3. We find that while issuing notice in this writ petition, the Chief Executive Officer was directed to call the petitioner for counselling to enable him to indicate the vacant posts available. Despite service, there is no appearance on behalf of the Zilla Parishad.

4. In these facts, the interest of justice would be served by permitting the petitioner to make a representation to the Chief Executive Officer pointing out the vacant posts available in the Zilla Parishad Schools where the transfer of the

petitioner can be considered. If such representation is made by the petitioner within a period of fifteen days from today, the Chief Executive Officer shall consider the request made therein in accordance with law. If the vacant posts are available in the Zilla Parishad Secondary Schools, the request of the petitioner can be considered. The necessary decision be taken within a period of three weeks from the receipt of representation.

5. The petitioner to serve the copy of this order on the Zilla Parishad.
6. Rule is disposed of in the aforesaid terms. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR