

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

WRIT PETITION NO.4548 OF 2023

[Vivek Rajendra Bochara .vs. 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 orders

Shri P.S. Patil, Advocate for the petitioner,
Mrs. S.S. Jachak, AGP for respondent nos.1 and 2.
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Coram : A.S. Chandurkar and
Mrs. Vrushali V. Joshi, JJ.
Date : 21/07/2023.

The challenge raised in the present writ petition is to the order dated 09.04.2020 issued by the Education officer (Secondary) refusing the approval to the transfer of the petitioner from unaided school to grant-in-aid school.

2. After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for respondent nos.1 and 2, it is seen that the provisions of Rule 41-A of the Maharashtra Employees of Private School (Conditions of Service) Regulation Rules, 1981 have been inserted on 08.06.2020.

3. Since the rejection of the proposal is prior to the insertion of Rule 41-A of the said rules, we are inclined to permit the petitioner to make a fresh proposal seeking approval to the transfer of the petitioner.

4. Hence with liberty to the respondent nos.3 and 4 to file a fresh proposal for seeking approval to the transfer of the petitioner in the light of Rule 41-A of the said Rules, the writ petition is disposed of. The order dated 09.04.2020 issued by the Education officer (Secondary) would not come in the way of considering the fresh proposal.

(Mrs. Vrushali V. Joshi, J.)

(A.S. Chandurkar, J.)

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