



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 WRIT PETITION NO.1966 OF 2024

Suresh Gorakh Gavhane,
Age 35 yrs., Occ. Assistant Teacher,
R/o Digras, Tq. Rahuri,
Dist. Ahmednagar.

... Petitioner

... **Versus** ...

- 1 The State of Maharashtra
Through The Principal Secretary,
School Education Department,
Mantralaya, Mumbai – 32.
- 2 The Deputy Director of Education,
Pune Region, Pune.
- 3 The Education Officer (Primary),
Zilla Parishad, Ahmednagar.
- 4 Savitribai Phule Shikshan Mandal,
Mahatma Phule Krishi Vidyapeeth,
A/P & Tq. Rahuri, Dist. Ahmednagar.
Through the Secretary.

... Respondents

...

Mr. S.T. Shelke, Advocate for petitioner
Mr. N.S. Tekale, AGP for respondent Nos.1 and 2
Mr. V.D. Patnurkar, Advocate for respondent No.3

...

WITH
WRIT PETITION NO.1967 OF 2024

Smt. Bhagyashri d/o Uttamrao Shete,
Age 42 yrs., Occ. Assistant Teacher,
R/o Kalpottam, Adinath Vasahat,
Shri Shivaji Nagar, Rahuri Factory,
Tq. Rahuri, Dist. Ahmednagar.

... **Petitioner**

... **Versus** ...

- 1 The State of Maharashtra
 Through The Principal Secretary,
 School Education Department,
 Mantralaya, Mumbai – 32.
- 2 The Deputy Director of Education,
 Pune Region, Pune.
- 3 The Education Officer (Primary),
 Zilla Parishad, Ahmednagar.
- 4 Savitribai Phule Shikshan Mandal,
 Mahatma Phule Krishi Vidyapeeth,
 A/P & Tq. Rahuri, Dist. Ahmednagar.
 Through the Secretary.

... **Respondents**

...

Mr. S.T. Shelke, Advocate for petitioner
Mr. N.S. Tekale, AGP for respondent Nos.1 and 2
Mr. V.D. Patnurkar, Advocate for respondent No.3

...

CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 20th FEBRUARY, 2024

ORDER :

1 Issue notice to the respondents. Learned AGP waives notice of respondent Nos.1 and 2. Learned Advocate Mr. V.D. Patnurkar waives notice of respondent No.3.

2 Present petitions have been filed for directions to decide the proposal of Management dated 31.10.2022 in respect of the petitioners transfer on 100% aided post.

3 Learned Advocate for the petitioners submits that though Government had issued one Circular dated 01.12.2022; yet, it came to be quashed and set aside by this Court, Bench at Nagpur in Writ Petition No.8215 of 2022 on 21.07.2023 and thus, when this is clear from the order of this Court that Government Circular dated 01.12.2022 to the extent it stays the operation of Rule 41A of the Rules of 1981 is set aside for want of power with respondent No.1 to do so, there should not be a hurdle for respondent No.3 to decide the proposal.

4 Learned Advocate for respondent No.3, on instructions, makes a submission that respondent No.3 would decide that proposal within a time bound manner.

5 Hence, the writ petitions stand disposed of with direction to respondent No.3 to decide proposal dated 31.10.2022 within a period of eight weeks from today.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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