



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

924 WRIT PETITION NO. 2740 OF 2024

1. Satish Annasaheb Bhosle
2. Achyut s/o Pandharinath Ahire
3. Shri Bankatswami Shikshan Sanstha Khadki Ghat
through its Secretary : Raosaheb Haribhau Bhosale
VERSUS
The State Of Maharashtra Through It's Secretary And Another

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Advocate for the Petitioner : Mr. S.R. Sapkal
AGP for Respondents : Mr. A. M.Phule
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**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

Dated : March 12, 2024

PER COURT :-

1. The Petitioners are aggrieved by the order dated 25th January, 2024 passed by the Education Officer (Secondary)-Respondent No.2 herein, refusing to accord approval to the petitioner nos.1 and 2 to the post of Head Master. The proposal dated 6th November, 2023 has been turned down by respondent no.2 only for the reason that there is dispute in the Management.

2. Petitioner Nos.1 and 2 are the employees, who have been promoted as Head Master. Petitioner No.3 is the Management, which has multiple schools which are covered by Rule 41 of the MEPS Rules, 1981. Transfer can be on administrative grounds. The Education Officer has to consider the entire record and unless there is any serious grievance, Rule 41 is to be read in the backdrop of the reasons assigned

by the management for such approval. Internal squabbles cannot be a ground for turning down a proposal unless the squabbles reach the roots of the selection and appointment of a candidate.

3. In view of the above, this **Petition is partly allowed**. The impugned order dated 25th January, 2024, is quashed and set aside. Respondent No.2 is directed to reconsider the proposal, strictly in accordance with the Rules applicable and the documents/records, which are necessary for scrutiny while considering grant of approvals to such proposals. Let this exercise be completed within 45 days from today.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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aaa/-