



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO.3638 OF 2024

Bhaskar Gangadharrao Lokhande,
Age 52 yrs., Occ. Service,
R/o Ardhapur, Tq. Ardhapur,
Dist. Nanded.

... Petitioner

... Versus ...

- 1 The State of Maharashtra
Through it's Secretary,
School Education & Sports Department,
Mantralaya, Mumbai - 32.
- 2 The Deputy Director of Education,
Latur Region, Latur,
Tq. & Dist. Latur.
- 3 Raosaheb Deshmukh National
Institute of Education & Deafness,
Wazirabad, Nanded.
Through it's Secretary.
- 4 Meenakshi Deshmukh Memorial
Higher Secondary School, Ardhapur,
Tq. Ardhapur, Dist. Nanded.
Through it's Secretary.

... Respondents

...

Mr. V.D. Gunale, Advocate for petitioner

Mr. N.S. Tekale, AGP for respondent Nos.1 and 2

...

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

DATE : 10th APRIL, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Heard learned Advocate for the petitioner and learned AGP for respondent Nos.1 and 2. Taking into consideration the documents on record and the submissions it is not necessary to issue notice to respondent Nos.3 and 4.

2 The petitioner contends that he came to be appointed as Assistant Teacher for English subject in respondent No.4 school initially on Clock Hour Basis from 1998. The Deputy Director of Education, Latur Division, Latur granted approval on Clock Hour Basis to his appointment on non grant basis till 2009. After 2009 as the work load of English subject got increased, the petitioner was granted full time approval on non grant basis by respondent No.2 by order dated 31.10.2015. One Mr. D.L. Kolambikar, who was the full time Assistant Teacher working with respondent No.4 expired on 06.07.2016, thereby one post of full time Teacher on grant-in-aid basis became available with respondent No.4. The petitioner was the senior-most

Assistant Teacher and in view of Government circular dated 28.06.2016 the school submitted application to respondent No.3 to transfer him to the said aided post on 14.08.2016. As per the request of the petitioner respondent Nos.3 and 4 transferred the petitioner from unaided to aided post in the same school from 01.09.2016. Thereafter the proposal was submitted to respondent No.2 to grant approval to the said transfer of the petitioner. The respondent Management prior to that had submitted one proposal for transfer of one Mr. P.V. Kanode to the said post, which had become vacant due to death of Mr. D.L. Kolambikar and the said proposal was pending with respondent No.2. However, Mr. P.V. Kanode, who was junior to petitioner, decided to withdraw the said proposal, so also the Management decided to withdraw the said proposal on 08.03.2021. Mr. P.V. Kanode also gave consent letter for giving the said post to petitioner. He submitted that he would be ready to work on the vacant post of one Smt. S.R. Deshmukh, as it had become vacant on 01.07.2021. Mr. P.V. Kanode informed that he had filed Writ Petition Nos.7721 of 2022 and 7722 of 2022 before this Court and then he withdrew the said petitions. Thus, the petitioner's transfer is proper and as per rules. However, the said proposal has been rejected by communication dated 15.12.2023 which deserves to be set aside.

the documents which were presented before him including the resolution of transfer passed by the institute. The copy of the same is also provided to us. It appears to be very much clear from the record that Mr. D.L. Kolambikar was teaching Cooperation and Economics. That means, when the post became vacant as regards the grant-in-aid for that subject it was expected that the person to be appointed or transferred on that post should be teaching the same subject, as it appears that the reservation for grant-in-aid is subject-wise. The learned Advocate for the petitioner has failed to point out that how the petitioner, who was teaching English, should be accommodated/transferred in the post for grant-in-aid, which was reserved for subjects Economics and Cooperation. Therefore, the decision of respondent No.2 dated 15.12.2023 cannot be faulted. No case is made out for interference under the constitutional powers of this Court. Writ Petition stands dismissed.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)