



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 3877 OF 2024

RATAN JYOTIRAM BHANDARE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Tukaram Maruti Venjane

AGP for Respondents : Mr. V.M. Kagne

...

CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.

DATE : 13 NOVEMBER 2024

PER COURT :

1. Heard both the sides.
2. The petitioner is aggrieved by communication dated 28.03.2024 passed by respondent no. 3 / Deputy Director of Education, turning down his proposal seeking transfer from unaided section of the school to aided section. It was rejected only on the ground that there is no provision for transferring the non teaching staff from one section to another.
3. Learned counsel for the petitioner relies on the judgment of this Court in Sachin Shivaji Rahane and another Versus The State of Maharashtra and Others decided on 26.09.2022 in Writ Petition No. 9781/2022 as well as Bhujbal Yogesh Purushottam Versus The State of Maharashtra and Others, dated 16.09.2021 in Writ Petition No. 125/2021.
4. Learned AGP submits that the draft Rule 41 B is likely to be finalized and the necessary steps would be taken for bringing

it in the statute book. He prays for time so that there would be necessary provision in place.

5. We have considered earlier decisions referred to by learned counsel for the petitioner for transferring employee. A provision under Rule 41 of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules 1981, is already is a statute book for transfers.

6. It appears from the record and impugned order that respondent no. 3 / Deputy Director of Education has not conducted objective scrutiny of the matter and rejected the proposal only on the ground that there is no statutory provision for transfers of the non teaching staff in Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules 1981.

7. We deem it appropriate to quash the impugned communication and to relegate the matter to respondent no. 3 to reconsider the proposal and decide it on its merit.

8. The Writ petition is allowed partly.

9. Impugned communication is quashed and set aside.

10. Respondent no. 3 / Deputy Director of Education shall decide the proposal on its merit, considering the precedents and Rule 41 of the Act.

11. The decision shall be taken within six weeks.

[SHAILESH P. BRAHME, J.]

[S.G. MEHARE, J.]