



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

**914 WRIT PETITION NO. 5214 OF 2024
SHAIKH MOHAMMAD SAMEE IMAM SAHAB
VERSUS**

**THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

AND

**915 WRIT PETITION NO. 5215 OF 2024
KHAN MUSADDIQUE HAROON
VERSUS**

**THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

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Advocate for Petitioners in both petitions : Mr. Satish Bappasaheb
Parnere

AGP for Respondent No.1 and 2/State : Mr. Pradip D. Patil

Advocate for Respondent Nos. 3 to 5 : Mr. Dr. R.J. Godbole

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CORAM : SHAILESH P. BRAHME, J.

DATE : 29th MAY 2024.

{ VACATION COURT }

Per Court :

. Leave granted to the petitioners in both the petitions to implead the teachers who are transferred to the school of respondent no.4, as a party respondents.

2. In both the petitions, orders of transfer passed on 21.05.2024, transferring the petitioners from respondent no.4/school to respondent no.5/school have been challenged.

Grievance of the petitioners is that the impugned orders are against the provisions of Rule 41 of the Maharashtra Employees of Private School (Condition of Service) Rules, 1981. There is neither any administrative exigency, nor any transfer policy framed by the management. In support of submission, reliance is placed on judgment rendered by the Division Bench in the matter of Vanmala K. Jadhav-Kochare Vs. Kshatrakulotpnna Maratha Samaj and Ors., Writ Petition (L) No.2053/2018.

3. Learned Counsel Mr. Godbole for the respondent nos. 3 to 5 placed on record certain documents to indicate that there was resolution passed for transferring the petitioners and joining reports of the persons. He would submit that impugned orders of transfer have been implemented. In both the matters, the teachers have joined posts on 22.05.2024 and 27.05.2024 from which petitioners are transferred.

4. Learned Counsel for the petitioners however strongly disputes the facts of the joining of the teachers at the place of his clients. He would submit that the petitioners have not handed over charge.

5. Under the facts and circumstances stated above, it would not be possible to finally hear both the petitions at this juncture in vacation. There are contentious issues involved in the petitions. I deem it appropriate to list these petitions for final

disposal at the admission stage after vacation.

6. Issue notice for final disposal to the respondents in both petitions, returnable on 18.06.2024. Learned AGP waives service of notice for respondent no. 1 and 2. Learned Counsel waives service of notice for respondent nos. 3 to 5.

7. The parties shall be at liberty to file additional documents/reply.

SHAILESH P. BRAHME
JUDGE

NaJeeb...