

Corrected as per order dated 27/2/2024

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11274 OF 2023**

Mahendra Subhash Dhabhade]
Age – about 40 yrs, occu- Service]
Residing at c/o. R. R. Sutar,]
Road -14, Bhairav Nagar, Dhanori]
Pune – 411015] Petitioner.

V/s

1] The State of Maharashtra]
Through the Secretary,]
Education Department, Mantralaya]
(Notice to be served on]
Government Pleader, High Court,]
Appellate Side, Mumbai)]
2] The Education Officer (Secondary)]
Pune Zilla Parishad, Pune.]
3] Genba Sopanrao Moze Trust, Pune]
Trust Registered under Bombay Public]
Trust Act, having its Office at 191,]
Maharashtra Housing Board, Yerwada,]
Pune 411 006.]
4] The Principal]
Genba Sopanrao Moze Trust, Pune]
191, Maharashtra Housing Board,]
Yerwada, Pune 411 006] Respondents.
Mr. Suhas S. Deokar i/b Mr. Satish Raut for the Petitioner.
Mr. N. C. Walimbe, Addl. GP a/w Shri V. M. Mali, AGP for Respondents.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE : 20th FEBRUARY, 2024

ORAL JUDGMENT: (Per A. S. Chandurkar, J.)

1] Rule.

2] The learned Additional Government Pleader waives notice for Respondent Nos. 1 and 2.

3] Considering the nature of directions proposed to be issued, service on Respondent Nos. 3 and 4 is dispensed with.

4] The Petitioner came to be appointed on the post of Assistant Teacher on 01/06/2006. The appointment was approved on 10/03/2010 on an unaided post. On 04/04/2022, the services of the Petitioner were transferred from the unaided post to an aided post. Pursuant thereto, the Management sought approval to such transfer of the Petitioner. The proposals dated 8/04/2022 and 9/01/2023 are stated to be pending with the Education Officer (Secondary).

5] In the aforesaid facts, interest of justice would be served by directing the Education Officer (Secondary) to consider and decide the proposals dated 08/04/2022 and 09/01/2023 seeking approval to the transfer of the Petitioner from an unaided post on an aided post. Necessary decision be taken within a period of six weeks of receiving a copy of this order and after giving an opportunity to the Petitioner as well as representative of Respondent No.2. The decision taken be communicated to the parties.

6] Keeping all points raised on merit open, the writ petition is disposed of. Rule is made absolute in aforesaid terms with no order as to costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]