

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9512 OF 2022

Ganesh Shrikant Manore

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

SNEHA
NITIN
CHAVAN

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Mr. Nikhil Waje for the Petitioner.

Mr. Vikas Mali, AGP for the Respondent/State.

Ms. Ranjana Todankar for Respondent No.4.

**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 2 FEBRUARY 2024

P.C. :

. The Petitioner is aggrieved by the impugned order passed by the Education Officer (Secondary), Zilla Parishad, Pune dated 14 March 2022 rejecting the proposal for approval. 10 grounds are stated therein listing out the objections. This order dated 14 March 2022 is signed by Sunanda Vakhare, Education Officer (Secondary).

2. The learned counsel for the Respondent/Management submits that Respondent/Management supports the cause of the Petitioner.

3. Reply affidavit is filed by the State stating that the communication dated 14 March 2022 is show cause notice and that

there is no rejection. The learned counsel for the Petitioner tenders an order dated 12 October 2023 signed by Sunanda Vakhare, Education Officer (Secondary), Zilla Parishad, Pune wherein a proposal is rejected on the ground that as per the Government Resolution dated 1 December 2022, there is a stay in respect of transfer. As regards this ground in the communication dated 12 October 2023 now shown to us, the issue is settled by the Division Bench in Writ Petition No. 8215 of 2022 with connected Writ Petitions in the matter of *Friends Social Circle, Akola and Ors., v/s State of Maharashtra and Ors.* decided at the Nagpur Bench on 21 July 2023. The operative order in the case of *Friends Social Circle, Akola* reads as under:

“13. In the light of aforesaid discussion, the following order is passed:

(i) The Circular dated 01/12/2022 to the extent it stays the operation of Rule 41A of the Rules of 1981 is set aside for want of power with the respondent No.1 to do so.

(ii) Rest of the Circular dated 01/12/2022 insofar as it seeks to stay the operation of Government Resolution dated 01/04/2021 and also seeks to undertake a fresh exercise in the matter is not interfered with. The respondent No.1 is free to act in accordance with the Circular dated 01/12/2022 except to the extent specified herein above.

(iii) In Writ Petition No.8215/2022 the order dated 19/01/2023 passed by the Education Officer (Secondary), Zilla Parishad, Akola refusing to approve the appointment of petitioner No.3 is set aside to enable re-consideration of the petitioners' proposal dated 14/07/2022.

(iv) In Writ Petition No.770/2023 the orders dated 31/10/2022 and 19/01/2023 passed by the Education Officer (Secondary), Zilla Parishad, Gondia refusing to approve the appointment of petitioner Nos.3 and 4 are set

aside to enable re-consideration of the petitioners' proposals 15/10/2022 and 20/12/2022.

(v) In Writ Petition No.810/2023 the order dated 19/01/2023 passed by the Deputy Director of Education, Nagpur Division, Nagpur refusing to approve the appointment of petitioner Nos.3 and 4 are set aside to enable re-consideration of the petitioners' proposal dated 05/01/2023.

(vi) In Writ Petition No.824/2023 the order dated 19/01/2023 passed by the Deputy Director of Education, Nagpur Division, Nagpur refusing to approve the appointment of petitioner No.3 is set aside to enable re-consideration of the petitioners' proposal dated 05/01/2023.

(vii) The petitioners shall appear before the Education Officer (Secondary) or The Deputy Director of Education, Nagpur Division Nagpur as the case may be in respective writ petitions on 02/08/2023 to enable re-consideration of their respective proposals.

(iv) The petitioners are permitted to place before the concerned Education Officer (Secondary) or the Deputy Director of Education, Nagpur Division Nagpur all relevant documents on the basis of which the appointment of concerned petitioners is sought to be approved.

(v) After granting an opportunity to the petitioners, a fresh decision be taken within a period of eight weeks from the date of petitioners' appearance.

14. Rule is made partly absolute in aforesaid terms. All the Writ Petitions are disposed of. No order as to costs."

4. Therefore, this ground does not survive. In light thereof, the proposal of the Respondent/Management now shall be reconsidered by the Education Officer (Secondary). The Respondent/Management will submit its explanation to the objections raised in the communication dated 14 March 2022 and upon considering the explanation to the objections, if not already submitted, the

Education Officer will accordingly pass the order as per law after considering the explanation within a period of 8 weeks, subject to earlier time bound commitments and pressing public duties.

5. Writ Petition is disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)