

WRIT PETITION NO. 15627 OF 2022

Versus

Mr. S.S. Panchpor a/w Ms. Suchita Thube for the Petitioner.
Mr. S.H. Kankal, AGP for the Respondent Nos. 1 & 2/State.
Ms. P.J. Gavhane i/b Ms. Adib Lakhawane for Respondent Nos. 3 & 4.

CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.
DATE : 2 FEBRUARY 2024

P.C. :

. The proposal submitted by the Respondent/Management in respect of grant of approval to the transfer of the Petitioner as Assistant Teacher to the aided division in the school was granted on 18 March 2020 however, with certain conditions. This Writ Petition is filed by the Petitioner/teacher challenging said conditions and seeking modification of the approval order. This petition ought to have been filed by the Respondent/Management along with the Petitioner or on its own. The Respondent/Management has also not brought to the notice of the Education Officer that the Education Officer has relied upon a position of law which is contrary to the decisions of this Court.

2. In light thereof, we dispose of the petition permitting the Petitioner and the Respondent/Management to apply for modification of the order of approval by filing an application annexing the decisions of this Court.

3. Upon receipt of such application, the Education Officer will consider the same as per law and after going through the decisions of this Court. If any adverse order is to be passed, then the Education Officer will deal with the decisions cited by the Petitioner or Management and pass reasoned order. Let this exercise be done within a period of 8 weeks after the application is made by the Petitioner/Respondent Management subject to earlier time bound commitments and pressing public duties.

4. Writ petition is disposed of accordingly.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)