

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

WRIT PETITION NO. 15782 OF 2023

Shaikh Nafees Ahmed Abdul And Ors. ...Petitioners

Versus

Malegaon Municipal Corporation
Through The Commissioner and Ors. ...Respondents

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CHAVAN

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Ms. Panathi Desai i/b M/s. M.P. Vashi & Asso. for the Petitioners.

Mr. R.S. Kate for the Respondent Nos. 1 and 2.

Mr. A.I. Patel, Addl. G.P. a/w K.S. Thorat, AGP for Respondent Nos.
3 and 4.

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

DATE : 18 JANUARY 2024

P.C. :

. The Petitioners were initially appointed as primary teachers in the school of Zilla Parishad Jalgaon. The Petitioners have sought transfer in a school under Respondent No.1/Malegaon Municipal Corporation. Respondent No.2/Education Board granted no objection on 24 June 2022. Thereafter, the order of transfer was passed on 23 May 2023. The grievance of the Petitioners is that from May 2023 till date, Respondent No.1/Malegaon Municipal Corporation has not paid the salary.

2. The learned counsel for the Respondent/ Malegaon Municipal Corporation stated that it is correct that the salary is not paid because according to Malegaon Municipal Corporation, 'no objection' was wrongly given on 24 June 2022 and there are no vacancies. As on today, 'no objection' and the order of transfer, both stand. As long as this order of transfer and the no objection is not modified or vacated, by following the procedure, Respondent No.1 is under duty to pay the salary.

3. Therefore, we direct the Respondent No.1 to release the salary of the Petitioners from May 2023 till date, within six weeks from today.

4. As and when the Respondent/Corporation takes steps to withdraw its 'no objection' after following due procedure and transfer is vacated, liberty to the Petitioners to seek redressal before the appropriate forum.

5. Writ Petition is accordingly disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)