

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

WRIT PETITION NO. 7188 OF 2024

Sangita Bhimrao Bhailume ... Petitioner
versus

The State of Maharashtra and Others ... Respondents

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Mr.Saurabh Pakale with Mr.Nilesh Desai i/b. Ms.Padmaja
Malgaonkar for the Petitioner.

Mr. A.K.Naik, AGP for Respondent Nos. 1 to 3 -State.

Mr.Milind Deshmukh for Respondent Nos. 4 and 5- Management.

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

DATE : 12 JUNE 2024

P.C. :

. Heard the learned Counsel for the parties.

2. The Petitioner is working with Respondent Nos. 4 and 5 – Management. The Respondent – Management is supporting the cause of the Petitioner and had submitted a proposal to transfer the Petitioner from unaided to aided division within Management. The proposal was rejected by the impugned order dated 25 January 2024 on the ground that the proposal referred to a Consent order passed in Writ Petition No. 11924 of 2017 filed in this Court, however, a copy of the Consent order was not placed on record.

3. The learned Counsel for the Respondent – Management states that it is correct that the copy of the order was not placed on record and states that an opportunity be given to place on record the same. We are inclined to do so. In light of this position, the impugned order which is passed solely on this basis will have to be set aside and the proposal of the Petitioner submitted by the Respondent - Management will have to be restored to the file. However, the State Government has issued a Government Resolution on 29 April 2024 stating that the proposal submitted for transfer from unaided to aided division will now not be considered by the Education Officer, but by the State Government.

4. That being the position, we dispose of the writ petition with following order :

ORDER

i) The impugned order dated 25 January 2024 passed by Respondent No.3- Education Officer (Secondary), Zilla Parishad, Nashik is quashed and set aside;

ii) The proposal submitted by the Respondent – Management is restored to the file. The Respondent – Management will furnish a copy of the Consent order/ consent terms before the Education Officer (Secondary), Zilla Parishad, Nashik. The Education Officer will forward necessary papers to the State

Government for taking decision as stated in the
Government Resolution dated 29 April 2024.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)