



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4761 OF 2022

DNYANESHWAR DADAJI THAWARE

...Vs...

THE STATE OF MAHARASHTRA, THR. SECRETARY, SCHOOL EDUCATION AND SPORTS DEPT., MUMBAI AND ORS.

WITH

WRIT PETITION NO. 969 OF 2022

RANJANA RAMBHAU KUBDE

...Vs...

STATE OF MAHA. THR. SECRETARY, SCHOOL EDUCATION AND SPORTS DEPARTMENT, MUMBAI AND ORS.

Office Notes, Office Memoranda of
Coram, Appearances, Court's
orders or directions and Registrar's
orders

Court's or Judge's orders

Writ Petition No. 4761/2022

Shri Kaustubh Deogade, Advocate for petitioner.
Shri M.J.Khan, AGP for respondents/State.
Shri D.A. Mohgaonkar, Advocate for respondent no. 7.

Writ Petition No. 969/2022

Shri D.A. Mohgaonkar, Advocate for petitioner.
Shri M.J.Khan, AGP for respondents/State.
Shri A.S.Manohar, Advocate for respondent no. 5.

**CORAM: AVINASH G. GHAROTE AND
SMT. M.S.JAWALKAR, JJ.**

DATED : 22nd OCTOBER, 2024.

It is contended that the proposal of the petitioner in Writ Petition No. 4761/2022 for transfer from unaided to aided section has already been received by respondent no. 4, who in turn has forwarded the same to respondent no. 3 for consideration. The learned Asst. Govt. Pleader for respondents/State, upon instructions, makes a statement, that the said proposal shall be considered in terms of the policy and the law applicable.

2. Insofar as the petitioner in Writ Petition No. 969/22 is concerned, the learned A.G.P. submits, that a proposal is not yet received, however, since the respondent no. 10 is appointed as an Administrator. She will examine the case of the petitioner in terms of Rule 41 of the Maharashtra Employees of Private School (Conditions of Service) Rules, 1981 (for short, 'M.E.P.S. Rules'), for being transferred from unaided to aided section, since the post for teaching Marathi is vacant in the aided section and so also her eligibility and in case found to be positive, shall send a proposal to respondent no. 4, who upon being satisfied regarding the same, shall forward to the respondent no. 3 for further consideration, who thereupon shall decide the same.

3. In view of the aforesaid statement of the learned A.G.P., both these petitions are disposed, however, subject to the affidavit filed by petitioners, that they will not claim arrears of the salary except for last 3 years on the unaided posts.

4. The pending application(s), if any, also stand(s) disposed of.

(SMT. M.S.JAWALKAR, J.) (AVINASH G. GHAROTE, J.)