



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

WRIT PETITION NO. 4279 OF 2024

(Jagruti Shikshan Prasarak Sanstha and another vs. The Director of Education (Secondary)
Pune and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mrs.M.Z.Haq, Advocate h/f Mr.A.R.Deshpande, Advocate for the petitioner.

Mr.D.P.Thakre, Additional Government Pleader for respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : JULY 24, 2024

The services of the petitioner No.3, who was working with the respondent No.4 Jagruti Night School as a part time employee in the capacity of "Clerk" was transferred to petitioner No.2 School managed by petitioner No.1 Education Society.

2) It is not in dispute that the respondent No.4 Jagruti Night School was also administered by the petitioner No.1 Education Society. The Education Officer refused to grant approval to such transfer on the ground that the petitioner No.3 was granted approval as a part time employee and as such, her transfer cannot be effected on a clear vacancy of non-teaching employee with petitioner No.2 School managed by petitioner No.1 Education Society.

3) Being aggrieved, the proceedings were taken up before the respondent No.2 Deputy Director of Education. The Deputy Director of Education by a non-speaking order has issued

directions to the Education Officer to process the request of the petitioner No.3 for grant of approval.

4) Upon perusal of the order of the Deputy Director of Education, we hardly see any reasons being recorded in support of his conclusion drawn therein.

5) When confronted, learned Additional Government Pleader submits that this Court in such an eventuality may pass an appropriate order relegating the matter to the Deputy Director of Education.

6) That being so, we set aside the order of the Deputy Director of Education dated 12/03/2024.

7) We permit all the petitioners to appear before the Deputy Director of Education on 05/08/2024. The Deputy Director of Education shall reconsider the claim of petitioner No.3 as regards to grant of approval on the post of "Clerk" (non-teaching staff) upon her transfer from respondent No.4 Jagruti Night School to petitioner No.2 School, managed by petitioner No.1 Education Society.

8) Let the decision be taken within a period of six weeks from the date of appearance of the petitioners.

9) The petition stands disposed of accordingly.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)