



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

WRIT PETITION NO. 7619 OF 2022

(New Lokhit Shikshan Sanstha and another..Vs.. State of Maharashtra and others)

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

Court's or Judge's orders

Mr. A.Z. Jibhkate, Advocate for petitioners,
Mr. H.R. Dhumale, Assistant Government Pleader for respondents.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 04-07-2024

The challenge is to the communication dated 11.7.2022, issued by the respondent No. 3 - Deputy Director of Education, Nagpur Division, Nagpur whereby the proposal for grant of approval to the transfer/appointment of the petitioner No. 2 in Dhairyasheelrao Wagh Vidyalaya and Junior College, Rohana against the seat fell vacant because of the Voluntary Retirement opted by Mr. S.A. Wankhede, came to be rejected.

2. Mr. Jibhkate, the learned counsel for the petitioners, has tried to demonstrate from the record of the Society so also the approved staffing pattern that the post against which the petitioner No. 2 came to be transferred was a clear sanctioned and vacant post because of resignation of an employee whose services were approved by Education Department.

3. In the aforesaid background, we are of the view that the impugned order dated 11.7.2022 cannot be said to be sustainable and as such, same is quashed and set

aside.

4. We direct the petitioners to consider the impugned order as a show cause notice and submit explanation before the Deputy Director of Education on or before 31.7.2024.

5. If so desired, the Deputy Director of Education shall grant opportunity of hearing to the petitioners and pass a reasoned order after considering the contentions about existence of a clear vacancy against which the petitioner No. 2's services were transferred.

6. The petition stands partly allowed in the aforestated terms.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Belkhede