



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 2000 OF 2025 IN WP/10736/2024

RAJKUMAR VITTHALRAO DOL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPLE SECRETARY
AND OTHERS

...
Advocate for Applicant : Ms. Archana S. Jadhavar holding for
Mr. Santosh S. Jadhavar

AGP for Respondents No.1 and 2 : Mr. S. R. Yadav Lonikar
Advocate for Respondent No.3 : Mr. S. T. Shelke

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**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 20-02-2025

PER COURT:-

1. Heard the learned counsels for the parties.
2. The petitioner was transferred to Shri. Hanuman Vidyalaya, Taluka Darodi, District Ahmednagar. However, he did not join and remained absent for four to five months. On 04.09.2024, he applied for leave on medical ground. On 07.02.2025, he addressed a letter to respondent No.5/ the Headmaster of the said school allowing him to join.
3. The learned counsel for the contesting respondent submits that after submitting application dated 07.02.2025, the petitioner went out and did not complete the joining procedure and filed this civil application. He would further submit that not a single

document of his treatment was attached with the application. Unless the documents are produced, the respondent / Management cannot take appropriate decision.

4. Admittedly, the petitioner was transferred to Shri. Hanuman Vidyalaya, Taluka Darodi. However, his transfer is not cancelled. The post is also vacant. In such a situation, the petitioner should have been allowed to join.

5. The learned counsel for the respondent/Management states that they will allow him to join, but reserve their right to take appropriate decision for his absence.

6. In view of the statement of the petitioner, the civil application is allowed.

7. Respondent No.5 / the Headmaster, Hanuman Vidyalaya, Darodi should allow him to join. However, his joining is subject not to affect the right of respondent / Management to take appropriate decision in respect of his absence.

8. The petitioner should submit the fitness certificate with the respondent / Management within three weeks from today.

9. List the petition in due course.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE