



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO. 13623 OF 2024
IN WP/4315/2023
WITH
WRIT PETITION NO. 4315 OF 2023

KAMINEE RAMSING THOKE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

.....Respondent

.....

Advocate for Applicant : Mr. Syed Azizoddin R.
AGP for Respondent No. 1, 3 & 4 : Mr. S. V. Hange
Advocate for Respondent No.2 : Mr. A. R. Nikam

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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 03.01.2025

PER COURT :

We have heard both the sides.

2. By way of this application, the petitioner is seeking to segregate the composite prayers with liberty to file a fresh petition on the same cause of action to the extent of relief for consideration of her claim for grant of approval to her transfer from unaided division to aided division under the provisions of Rule 41 and 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules.

3. We have heard both the sides. There is no question of causing any prejudice to the respondents by such segregation of the prayers, one to the extent of the challenging the impugned order whereby her performance at the TET has been cancelled and she has been permanently debarred from appearing at any TET hereinafter, and the one challenging the order refusing to grant approval to her transfer from unaided division to aided division.

4. In view of the above, the application is allowed in terms of prayer clause 'B' which reads as under:-

“This Hon’ble Court may be pleased to permit the applicant to not press the prayer clause “D” and “G” with permission to file fresh writ petition to challenge the order dated 01.02.2023.”

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/