

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11773 OF 2025

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Smt. Dhnashri Gajanan Khade

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

.....

Mr. Prashant Bhavake for the Petitioner.

Mr. Utkarsh Desai for the respondent nos.6 and 7.

Mr. S.B. Kalel, AGP for the respondent nos. 1 to 5.

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Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : October 17, 2025.

P. C. :

1. The petitioner seeks a direction to the respondent no.5 – Education Officer to decide the proposal submitted by the respondent nos. 6 and 7 seeking approval to the transfer of the petitioner from unaided to aided post of Assistant Teacher.

2. On 15th June 2017, the respondent no.6 – Educational Institution appointed the petitioner in the vacant unaided post of Assistant Teacher in a school run by respondent no.6 from the OBC category. On 13th

March 2018, the respondent no.5 – Education Officer granted approval to the appointment of the petitioner in unaided post of Assistant Teacher. On 31st May 2024, the fully aided post of Assistant Teacher became vacant in respondent no.7 – Secondary School due to retirement of Assistant Teacher by superannuation. The petitioner approached the respondent no.6 and requested for transfer from the unaided post to vacant aided post and by Resolution dated 16th June 2024, the respondent no.6 resolved to transfer of the petitioner in aided vacant post of Assistant Teacher on 20th June 2024. On 16th July 2025, the proposal was submitted to respondent no.5 – Education Officer which has not been decided till date.

3. Mr. Bhavake, learned counsel appearing for the petitioner has drawn our attention to the decision of this Court (Nagpur Bench) in ***Friends Social Circle & Ors. Vs. State of Maharashtra*** in Writ Petition No. 5862 of 2024 and submits that the proposal is required to be considered by the respondent no.5 - Education Officer on its own merits and it is not necessary to forward the same to the State. He submits that though the proposal has been submitted in July 2025, the respondent no.5 – Education Officer has not taken any decision on the said proposal.

4. Mr. Kalel, learned AGP submits that respondent no.5 can be directed to decide the proposal submitted in accordance with law and on its own merits.

5. The proposal which has been pending since July 2025 has not been decided by the respondent no.5 – Education Officer and the petition can be disposed of by directing the respondent no.5 – Education Officer to decide the same expeditiously.

6. The respondent no.5 is directed to decide the proposal seeking approval to the transfer of the petitioner from unaided post to the aided post of Assistant Teacher, expeditiously and in any event, within a period of 12 weeks from the date of communication of this order by taking into consideration the provisions of Rule 41A of the M.E.P.S. Rules. If there are any deficiencies in the proposal, the same to be communicated to the Management so that an opportunity can be given to the Management to cure the deficiencies. However, the entire exercise to be carried out within a period of 12 weeks.

7. In case the approval is granted to the petitioner, respondent no.4 to issue Shalarth ID to the petitioner.

8. The petition is disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik]