

Manohar Chindha Shewale and Another ...Petitioners
vs.
The State of Maharashtra and Another ...Respondents

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

P.C.:

. Not on board. Upon mentioning taken on board.

2. Parties through their counsel.

3. Briefly stated that Petitioner No. 1 was working in the School of Petitioner No. 2 on the post of “Peon” which is an unaided post. His appointment was duly approved by the Respondent No. 2- Education Officer. The Petitioner No. 1 was transferred from the unaided post to aided post of the same school. The proposal to approve the said transfer was submitted by the Petitioner No. 2/ School before Respondent No. 2 – Education Officer. However, the said proposal has been rejected by Respondent No. 2 by passing

the impugned order on Exhibit F on the ground that the transfer can not be made from unaided post to aided post.

4. According to the learned counsel for the Petitioner, the question involved in this Petition has already been considered by various orders of the Division Bench of this Court including in the case of **Shilprekha Vinayak Joshi vs. The State of Maharashtra** passed in **Writ Petition No. 11065 of 2014 dated 14th February, 2017** along with various other Writ Petitions. He submits that while deciding the said Writ Petitions also, various orders have been taken into consideration and this Court has held that such stand taken by the State cannot be accepted.

5. The learned AGP submits that he is not disputing the fact that the question involved in this matter has already been covered and decided by the Division Bench of this Court.

6. In the circumstances, for the reasons stated in the order dated 14th February, 2017 passed in **Shilprekha Joshi** (supra), this Petition is allowed.

7. The Respondent No. 2 is directed to treat the Petitioner's transfer as approved on the post of "Peon" in aided school and grant consequential monetary benefits in regard to the said post from the date of the transfer of Petitioner No. 1.

8. With the aforesaid direction, the Petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)