

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

BENCH AT AURANGABAD.

WRIT PETITION NO.13724 OF 2017

Shaikh Masrur Anwar Shaikh
Rahim ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...
WITH
WRIT PETITION NO.13746 OF 2017
...

Mr.M.D.Narwadkar, advocate holding for
Mr.D.B.Chavan, advocate for the petitioners.
Mrs.A.V.Gondhalekar, Additional Government
Pleader for the State.
Mr.P.D.Suryawanshi, advocate for Respondent No.4

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 04.04.2018.

PER COURT :

1. Counsel for petitioners states that the
petitioners are working in Respondent No.6

School. The Respondent No.6 School is a minority School. The petitioners are transferred from unaided to aided divisions. The proposal is rejected only on the ground that there are surplus candidates.

2. We have heard learned counsel for the petitioners and learned Additional Government Pleader.

3. The Government has issued Resolution stating that minority institution can not be compelled to absorb surplus teachers against their wish.

4. Considering the above, the reason mentioned for rejection of the proposal is improper. The impugned orders are quashed and set aside. The Respondent Education Officer shall reconsider the proposal seeking approval and shall not reject it on the ground that surplus teachers are to be absorbed. The Education Officer shall consider other aspects of the matter.

5. The Writ Petitions are disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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