

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
82 WRIT PETITION NO.2876 OF 2018**

ASHOK PRABHAKAR RAJDEV

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Shailendra S. Gangakhedkar, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

Mr. Vikramsinh P. Patil, Advocate for Respondent Nos.3 and 4.

...

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 16th JULY, 2019.

PER COURT:-

1. The proposal seeking approval to the transfer of the petitioner from unaided to aided is rejected. Aggrieved thereby, the present petition.

2. Mr. Gangakhedkar, learned counsel for the petitioner submits that the appointment of the petitioner as Assistant Teacher on the unaided post is approved by the Education Officer. The petitioner is senior most teacher on the unaided post. According to the learned counsel due selection process was followed while appointing the petitioner on unaided post. The petitioner is entitled for transfer on the vacancy created on aided post.

3. We have also heard learned A.G.P.

4. This Court in its judgment dated 04.07.2019 in Writ Petition No.1493/2018 with connected writ petitions has observed that some of the clauses of the circular dated 28.06.2016 may not apply. The ground of absorption of surplus teachers would not be available for rejecting the approval. However, we had observed that the petitioners who have not completed atleast three years on the unaided post as Assistant Teacher before their transfer to the aided post then for remainder years on the aided post, be considered as Shikshan Sevak.

5. Naturally, the Education Officer will have to consider all these aspects.

6. In light of the above, impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner from unaided to aided post in tune with the judgment dated 04.07.2019 in Writ Petition No.1493/2018 delivered by this Court. The same be decided expeditiously and preferably within a period of four months.

7. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE