

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

1082 WRIT PETITION NO.8716 OF 2019

SHILPA ARUNRAO DAHATONDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Chaudhari Nitin K
AGP for Respondent: Mr. P.S. Patil
Advocate for Respondent Nos. 3 and 4 in all connected matters :
Mr. Yogesh A. Dahatonda

...

AND

1083 WRIT PETITION NO.8717 OF 2019

SUREKHA VITTHAL NAVALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Chaudhari Nitin K
AGP for Respondent : Mr. S.B. Pulkundwar

...

AND

1084 WRIT PETITION NO.8724 OF 2019

SHITAL SAMBHAJIRAO SHIRSAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Chaudhari Nitin K
AGP for Respondent : Mr. K.B. Jadhavar

...

AND

1085 WRIT PETITION NO.8725 OF 2019

**MAHENDRA KARBHARI THITE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Chaudhari Nitin K
AGP for Respondent : Mr. S.N. Morampalle
...

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

DATE : 16/08/2019

PER COURT :

1. The proposal seeking approval to the transfer of the petitioners from unaided to aided post are rejected.
2. We have heard the learned counsel for the petitioners, learned A.G.P. for respondent Nos. 1, 2 and 3 and the learned counsel for respondent Nos. 4 and 5. In the judgment and order dated 04.07.2019, in Writ Petition No. 1493/2018 with connected writ petitions, we have held that some of the clauses of the circular dated 28.6.2016 would be inoperative. In para 23 of the said judgment we observed thus:-

Upon confirming about the adherence to the seniority list that is those who are transferred to aided post are senior most amongst those working on unaided post and that the roster is maintained, so also their appointments are approved on unaided post, the Education Officer shall grant approvals to their appointments. If the assistant teachers who have been transferred from unaided to aided posts had

not completed three years while working on unaided post, then they will be granted approvals as Shikshan Sevaks for a period they would complete three years from the date of their initial appointments and thereafter as assistant teachers. Of course, upon satisfying about the seniority and roster. However, the Education Officer shall not reject the proposal on the ground of circular dated 28.06.2016 and that there is availability of surplus teachers. The Education Officer will have to consider that services of these petitioners are approved on unaided posts.

3. The management is also required to comply with the deficiencies as are pointed out in the impugned order.

4. In light of the above, the impugned orders are quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioners from unaided to aided post. The management shall also comply with the requirements as spelt out in the impugned order. The Education Officer shall, thereafter, decide the said proposal expeditiously, preferably within four months in tune with the judgment delivered by this Court dated 04.07.2019 in Writ Petition No.1493/2018 with connected writ petitions. Writ petition is accordingly disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)