

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

WRIT PETITION NO. 8820 OF 2019

Ganpat Shripatrao Mane .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Tukaram M. Venjane, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.
Shri N. P. Patil Jamalpurkar, Advocate for the Respondent No.
3.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.
DATE : 16TH OCTOBER, 2019.**

FINAL ORDER :

. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is rejected on the basis of circular dated 28.06.2016.

2. The learned counsel for the petitioner submits that the petitioner was appointed on unaided post on 23.09.2008. His appointment on unaided post is approved by the Education Officer. He was transferred to the aided post on 28.02.2018 after completion of three years. He is the senior most amongst the unaided candidates and the appointment is also as per roaster.

3. We have heard learned Assistant Government Pleader

also.

4. We have considered the issue of circular dated 28.06.2016 under judgment dated 04.07.2019 passed in Writ Petition No. 1493 of 2018 with connected Writ Petitions and held that all the clauses of the circular dated 28.06.2016 would not apply.

5. Considering the above, impugned order is quashed and set aside. The Education Officer shall consider the proposal seeking approval to the transfer of the petitioner from unaided to aided post on its own merits and in tune with the judgment dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected Writ Petitions. The same shall be decided expeditiously and preferably within a period of four (04) months from today.

6. The Writ Petition is disposed of. No costs.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 19