

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

957 WRIT PETITION NO.9953 OF 2019

**DHANRAJ PRASAD SWAMI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Ghatge Mahesh V.
AGP for Respondents: S.B.Yawalkar
Adv.S.P.Katneshwarkar for R.3 & 4

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

DATE : 08/08/2019

PER COURT :

The proposal seeking approval to the transfer of the petitioner from unaided to aided post is rejected.

2] Mr. Ghatge, the learned counsel submits that appointment of the petitioner on unaided post is approved by the Education Officer. He has completed more than 3 years on the unaided post. According to the learned counsel he is the senior most amongst candidates on unaided post. Mr. Katneshwarkar, learned counsel for respondents 3 and 4 also accepts the said fact.

3] The proposal seeking approval to the transfer of the petitioner for unaided to aided post is rejected solely on the ground that there are surplus candidates available. The said ground would not be available. 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.

4] In the light of 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 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.

5] Depending upon the decision taken by the Education Officer further decision shall be taken with regard to the payment of salary to the petitioner.

6] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

umg/