

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

39 WRIT PETITION NO.10238 OF 2019

ARCHANA DAMODHAR JOGADAND
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Dambe Santosh S.
AGP for Respondents/State : Mrs. A.V. Gondhalekar
Advocate for Respondents : Mr. S.S. Panhale for R/5 & 6

...

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

DATE : 20.08.2019

PC. :-

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

2. Issue notice to the respondents. Learned A.G.P. waives service of notice on behalf of respondent nos.1 to 4. Mr. Panahle waives for respondent nos.5 and 6

3. The learned counsel submits that the petitioner was appointed on an unaided post on 30.08.2013. Initially the approval was granted for the period of probation and thereafter permanent approval was granted on 23.08.2016. The petitioner is the senior most person and has completed more

than three years on the unaided post.

4. We have also heard the learned A.G.P

5. The proposal seeking approval to the transfer of the petitioner from unaided to aided is rejected basically on the basis of the circular dated 28.06.2016. The approval can be considered subject to passing the T.E.T.

6. This Court in Writ Petition No. 1493 of 2018 with connected writ petitions under the judgment and order dated 04.07.2019 has held that some of the clauses of the circular dated 28.06.2016 are inappropriate.

7. The impugned order is set aside. The Education Officer shall decide 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 of 2018 preferably within four months. Writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]