

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

1042 WRIT PETITION NO.1649 OF 2018

BALAJI MADHUSUDAN BHANGE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. D. Gunale, Advocate for the Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

Mr. Ameya N. Sabnis, Advocate for Respondent No.3.

...

AND

**1043 WRIT PETITION NO.8675 OF 2018
WITH CA/7035/2019 IN WP/8675/2018**

1047 WRIT PETITION NO.3751 OF 2019

1048 WRIT PETITION NO.3755 OF 2019

1049 WRIT PETITION NO.3756 OF 2019

1050 WRIT PETITION NO.4296 OF 2019

WRIT PETITION NO.2624 OF 2019

WRIT PETITION NO.10027 OF 2019

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

DATED : 09th AUGUST, 2019.

PER COURT:-

1. In these matters, petitioners claimed to be appointed by following regular selection process as Assistant Teachers on unaided posts. The

petitioners contend that their appointments on unaided posts are approved by the Education Officer. They have completed three years as Assistant Teachers on unaided posts. They are senior most on the unaided posts. In view of that, these petitioners are transferred from unaided to aided posts. Their proposals for approval are rejected on the ground of circular dated 26.06.2016 and that there are surplus candidates available.

2. Under 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 circular dated 26.06.2016 would not apply.

3. In light of the above, we pass the following order:

ORDER

- i. The impugned orders rejecting proposals seeking approval to the transfer of the petitioners from unaided to aided posts are quashed and set aside.
- ii. The Education Officer shall reconsider the said proposals in tune with the judgment and order dated 04.07.2019 in Writ Petition No.1493/2018 with connected writ petitions. The decision shall be taken by the Education Officer on the said proposals within a period of four months from today.

4. Writ Petitions are disposed of. No costs.

5. In view of disposal of writ petitions,
civil application is disposed of.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-19