

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.10513 OF 2019

RUPALI SURESH DESAI

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA  
AND OTHERS

...RESPONDENTS

Mr. A.P. Avhad, Advocate for Petitioner

Mr. P.S. Patil, Additional Government Pleader for Respondent-State

**CORAM : S.V. GANGAPURWALA AND  
ANIL S. KILOR, JJ.**

**DATE : 26<sup>th</sup> AUGUST, 2019**

**ORAL ORDER:**

1. The proposal seeking approval of the petitioner from unaided to aided post is rejected. Aggrieved thereby, present writ petition.
2. Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader.
3. The learned Counsel for the petitioner submits that the petitioner was appointed on aided post on 14.06.2010. His appointment was approved by the Education Officer. According to the learned Counsel for the petitioner, the petitioner is senior most on unaided post. As per roster, the petitioner has been transferred to the aided post.

4. The proposal seeking approval to the transfer of the petitioner from unaided post is rejected basically on the ground of circular dated 28.06.2016.

5. This Court in Writ Petition No. 1493/2018 with connected Writ Petition under order dated 04.07.2019 has held that some of the clauses of circular dated 28.06.2016 are inapplicable.

6. Considering the above, the impugned order is quashed and set aside.

7. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner from unaided to aided post. It shall consider as to whether the appointment of the petitioner on unaided post was approved. So also, as to whether the petitioner was the senior most on unaided post to be transferred and the roster. The Education Officer shall decide the same expeditiously, preferably within a period of four months.

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

**[ ANIL S.KILOR ]**  
**JUDGE**

**[ S.V.GANGAPURWALA ]**  
**JUDGE**