

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

WRIT PETITION NO. 12382 OF 2018

Padmini Sakharam Kulkarni

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

Mr. Kamlakar J. Suryawanshi, Advocate for Petitioner.

Mr. S. B. Narwade, AGP for Respondent No. 1.

Mr. Vinod M. Vibhute, Advocate for Respondent No. 2.

Mr. L. H. Kawale h/f Amit T. Ghute, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
 AVINASH G. GHAROTE, JJ.**

DATED : 26th NOVEMBER, 2019.

PER COURT:-

1. We have heard Mr. Suryawanshi, learned counsel for the petitioner.
2. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is rejected.
3. The contention is that the petitioner is appointed on unaided post as an Assistant Teacher in the year 2004 by the respondent / institution. However, her appointment on the unaided post is not approved by the Education Officer.

4. It appears that the management has passed resolution on 03.02.2018 and decided to give appointment to the petitioner on the post of Shikshan Sevak and forwarded the proposal to the respondent No. 2.

5. The management is entitled to transfer an employee from unaided to aided post as per the seniority, roaster provided appointment of the said employee on the unaided post is approved. In the present case, appointment of the petitioner in the year 2004 itself is not approved or else the management has to show that the petitioner was appointed after following due selection process on 03.02.2018. The same is not the fact.

6. The learned counsel for the management on instructions submits that the management would forward the proposal seeking approval to the appointment of the petitioner on unaided post for the year 2004. According to the learned counsel, appointment of the petitioner in the year 2004 on unaided post was after following due selection process.

7. In the light of that, the management may forward the proposal seeking approval to the appointment of the petitioner on the unaided post to the Education Officer along with the necessary documents. The Education Officer shall consider the said proposal and decide it

expeditiously and preferably within a period of three (03) months from the date of proposal is submitted by the management.

8. In case, appointment of the petitioner on unaided post is approved by the Education Officer, then management may forward the further proposal. In case, the petitioner is transferred from unaided to aided post, that proposal can be considered by the Education Officer in tune of the judgment of this Court in Writ Petition No. 1493 of 2018 with other connected writ petitions decided by the judgment dated 04.07.2019

9. Writ petition accordingly is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.