

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

WRIT PETITION NO. 11787 OF 2019

Sapna Devidas Thakare

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

Mr. I. D. Maniyar h/f V. S. Panpatte, Advocate for Petitioner.

Mr. S. B. Narwade, AGP for Respondent Nos. 1 and 2.

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

DATED : 25th SEPTEMBER, 2019.

PER COURT:-

1. The proposal seeking approval to the transfer of the petitioner from unaided to aided division is rejected on the ground that there are surplus candidate to be absorbed and also Section 5 of the M.E.PS. Act.
2. Learned AGP accepts notice for respondent Nos. 1 and 2.
3. We have under our judgment dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected Writ Petitions gave directions to consider the proposal for approval. The Education Officer is required to decide the proposal in light of the directions issued.
4. According to the petitioner, the appointment of the petitioner on unaided post was approved. She is the senior most person on unaided post and her appointment is as per the roster. She has worked for more than three

years on unaided post prior to the transfer.

5. Considering the above, the 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 division in tune with the judgment delivered by this Court in Writ Petition No. 1493 of 2018 with connected Writ Petitions dated 04.07.2019.

6. Writ Petition accordingly is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.