

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

WRIT PETITION NO. 3464 OF 2018

Giri Saraswati Narayan

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Devdatta D. Deshmukh, Advocate h/f Shri G. K. Naik

Thigle, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 19TH AUGUST, 2019.

FINAL ORDER :

. Heard.

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

3. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for respondents/State.

4. We have under our judgment dated 04th July, 2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions held that some of the clauses of the circular dated 28.06.2016

would not apply. One of the ground mentioned for rejection of the proposal is circular dated 28.06.2016. Of course, we have also held that, at the time of considering proposal seeking approval to the transfer from unaided to aided division, the authority will have to be convinced about the fact that, the person is senior on unaided post and he has completed three years on the unaided post, so also the roster.

5. In the light of 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 dated 04th July, 2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions.

6. In view of the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/August 19