

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.13547 OF 2019

Aruna Harishchandra Kande

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. D.S. Mali, advocate for the petitioner.

Mrs. G.L. Deshpande, AGP for Respondents No. 1 to 3..

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

DATE : 07th November, 2019

PER COURT:

1 The proposal seeking approval to the transfer of the petitioner from unaided to aided division is rejected basically on the ground that surplus teachers are available and that as per the Government Resolution dated 28.06.2016 if surplus teachers are available, then approval shall not be granted to the transfer of teachers from unaided to aided division.

2 We have heard learned Counsel for the petitioner and learned AGP for respondents.

3 The Education Officer, it appears that, wrongly referred to the document dated 28.06.2016 as a Government

Resolution, in fact, it is a circular. This Court, in Writ Petition No.1493 of 2018 with connected writ petitions, vide judgment dated 04.07.2019, has held that some of the clauses of the circular dated 28.06.2016 do not apply.

4 In the light of that, the impugned order is quashed and set aside. The Education Officer shall decide the proposal seeking approval to the transfer of the petitioner from unaided to aided division afresh on its own merits in tune with judgment dated 04.07.2019 in Writ Petition No.1493 of 2018 with connected matters.

5 Writ Petition is accordingly disposed of. No costs.

AVINASH G. GHAROTE
JUDGE

S.V.GANGAPURWALA
JUDGE

adb/