

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

2 WRIT PETITION NO.14595 OF 2019

NITIN EKNATH WAYAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Shinde Balaji S.
AGP for Respondent-State : Mr. V. M. Kagne.
Advocate for Respondent Nos.3 & 4 : Mr. S.T. Shelke.

...

79 WRIT PETITION NO.13444 OF 2019
WITH CA/14198/2019 IN WP/13444/2019

BANOTE SUNIL GOPINATH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. P. B. Shirsath.
Advocate for Applicants in CA : Mr. B.S.Shinde.
AGP for Respondent Nos.1 to 5 - State : Mr. S.B.Pulkundwar.
Advocate for Respondent No.6 : Mr. S.T. Shelke.

...

WITH

WRIT PETITION NO.14143 OF 2019

DNYANESHWAR BALASAHEB SONAWANE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. A.G.Ambetkar.
AGP for Respondent-State : Mr. S.B.Pulkundwar.
Advocate for Respondent No.6 : Mr. S.T. Shelke.

...

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

DATE : 11.12.2019

PER COURT :-

1. Writ Petition No.14595 of 2019 is filed seeking directions to give postings to the petitioners before the end of the academic year 2019-2020 in *PESA*. Whereas Writ Petition No.13444 of 2019 and 14143 of 2019 are challenging the instructions dated 07.09.2019 issued by the Desk Officer, Government of Maharashtra directing the authority to implement the Government Resolution dated 05.03.2015.
2. The notification issued by the Hon'ble Governor, in exercise of the powers under Schedule 5 of the Constitution are not the subject matter of challenge. The instructions challenged in these petitions is pursuant to the notification issued by the Hon'ble Governor under Schedule 5 of the Constitution.
3. Under order dated 06.11.2019 in Writ Petition No.13444 of 2019, we had observed that if the transfers are effectuated midterm that would result in displacing many persons midterm. It would be appropriate, if the respondents give effect to the instructions and the notification at the end or start of the academic year preferably during general transfers.
4. Mr. Shirsath, the learned counsel submits that subsequently the instructions are issued under Government Resolution dated

06.12.2019 constituting a Committee to submit the report in view of the changed reservations.

5. As the academic term is in progress and it is in the midst, the authorities may effectuate the transfer as per the instructions assailed by the petitioners and as per the policy from time to time, preferably at the end or start of the academic year, preferably general transfers.

6. With these observations, all the Writ Petitions are disposed off.

7. In view of disposal of the Writ Petitions, nothing survives in the Civil Application. Civil Application is also disposed off.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

...

vmk/-