

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

WRIT PETITION NO. 14066 OF 2018

Sandeep Mohan Kale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri V. S. Panpatte, Advocate for the Petitioner.

Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 to 4.

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

DATE : 18TH NOVEMBER, 2019.

FINAL ORDER :

. The contention of the petitioner is that, he was earlier appointed with Azad Sevabhavi Sanstha, Kerul in Bhairavnath Madhyamik Vidyalaya, Aranvihira, Tq. Ashti on 16.06.2009. Subsequently, as per the advertisement issued by respondent Nos. 5 and 6, he applied for the post of peon. He was selected and issued with appointment order on 10th August, 2012. He was also granted approval. Subsequently, the Deputy Director of Education cancelled the approval on the ground, the petitioner is transferred from unaided to aided in two different schools run by different managements. According to the petitioner, the petitioner is not transferred, but appointed afresh with the respondent No. 6 after following the selection process and while protecting his pay, his past service rendered on unaided post needs to be considered.

2. According to the learned Assistant Government Pleader, it is a case of transfer in two different schools run by two different managements.

3. It appears that, the case of the petitioner is of fresh appointment with the respondent No. 6/school in the year 2012 and not a case of transfer from one school to another school run by different management. The said aspect needs to be considered by the Deputy Director of Education.

4. The impugned order is set aside. The petitioner shall produce the documents showing his fresh appointment including advertisement and the selection process. The Deputy Director of Education shall consider case put forth by the petitioner and take decision afresh. The petitioner shall appear before the Deputy Director of Education on 04th December, 2019 and may place on record all the relevant documents to show that his appointment with the respondent No. 6 was fresh appointment.

5. The Deputy Director of Education shall decide the same afresh, expeditiously and preferably within a period of four (04) months from the date of appearance of the petitioner. The writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.]

[S. V. GANGAPURWALA, J.]