

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.613 OF 2020
(Veer Balasaheb Tukaram Vs. The State of Maharashtra and others)

Mr. Shivaji T. Shelke, Advocate for the petitioner
Mr. V.M. Kagne, A.G.P. for the respondent/State
Mr. S.S. Wagh, Advocate for respondent No.3

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

DATE : 13.01.2020

PER COURT :

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

2. The learned A.G.P. accepts notice for respondent Nos.1 and 2. Mr. S.S. Wagh, learned counsel waives service of notice for respondent No.3.

3. Mr. Shelke, learned counsel for the petitioner submits that on the basis of Circular dated 31.03.2017 and Government Resolution dated 23.06.2017, transfer of the petitioner from unaided post to aided post is rejected. The petitioner is working for more than nineteen years on unaided post. The petitioner is the seniormost Assistant Teacher on unaided division. The roster is also followed.

4. We have under our judgment and order dated 04.07.2019 delivered in Writ Petition No.1493 of 2018 with connected writ petitions, laid down the guidelines for considering the proposal seeking approval to the transfer of the petitioners from unaided to aided divisions.

5. Considering the above, the impugned order is quashed and set aside. The respondent No.2 – Education Officer (Secondary), Zilla Parishad, Ahmednagar shall decide the proposal of the petitioner seeking approval to the transfer of the petitioner from unaided to aided division afresh in light of the decision given in Writ Petition No.1493 of 2018 with connected writ petitions dated 04.07.2019. The same shall be decided expeditiously and preferably within a period of four months.

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

[MANGESH S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE