

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

71 WRIT PETITION NO. 1984 OF 2020

**KIRAN MADHAVRAO MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Senior Advocate for Petitioner: Mr. Sapkal V. D.
AGP for Respondents No. 1 & 2: Mrs.M. A. Deshpande
Advocate for Respondent No. 3: Mr. A. B. Jagtap

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73 WRIT PETITION NO. 2482 OF 2020

**TANAJI DNYANOBA KHAKARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Senior Advocate for Petitioner: Mr. Sapkal V. D.
AGP for Respondents: Mr. S. B. Pulkundwar

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 21st OCTOBER, 2020

PER COURT:

1. The proposals seeking approval to the transfers of the petitioners from unaided to aided are rejected basically on the ground that backlog existed.

2. The learned Counsel for the petitioners submits that the petitioners were appointed on a

clear vacant unaided posts. The petitioners are the seniormost and are transferred to the aided posts. Their appointments on unaided posts are also approved. The learned Counsel relies on the Judgment of this Court in Writ Petition No. 1493 of 2018 with connected writ petition dated 04.07.2019.

3. The learned A.G.P. submits that backlog exists in the Society where the petitioners are working, the backlog is not filled in. There are surplus candidates available. These aspects have been considered.

4. The petitioners were not seeking approvals to the fresh appointments. The appointments of the petitioners on unaided posts are already approved. The authority was only required to consider as to whether the petitioners were seniormost when the petitioners were transferred to aided posts, whether there are vacant posts on aided divisions and the posts are available for the open category from which the petitioners are appointed. In Writ

Petition No. 1493 of 2018, we have held under Judgment dated 04.07.2019 that some of the clauses of Circular dated 28.06.2016 are illegal.

5. In light of the above, we quash and set aside the impugned orders. The concerned respondent no. 2 / The Deputy Director of Education, Aurangabad Division, Aurangabad / The Education Officer (Secondary), Zilla Parishad, Beed shall re-consider the proposals seeking approval to the transfer of the petitioners from unaided to aided in tune with the Judgment and order of this Court dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected writ petition. The same be decided expeditiously and preferably within four (04) months.

6. Writ Petitions stand accordingly disposed of.
No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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