

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

WRIT PETITION NO. 2410 OF 2020

Vishal Vijayrao Dake

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Nitin K. Chaudhari, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 06TH FEBRURY 2020.

FINAL ORDER :

. Heard Mr. Choudhary, the learned advocate for the petitioner and the learned Assistant Government Pleader for respondents/State.

2. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is rejected basically on the ground of circular dated 28.06.2016. The learned counsel submits that, the petitioner is at Sr. No. 4 of the seniority list of assistant teachers appointed on unaided posts. Three senior assistant teachers to the petitioner have given no objection for considering the case of the petitioner on aided post. The transfer of the petitioner is as per the roster. The petitioner was appointed on unaided post on 01.07.2013. The appointment of the petitioner on unaided post is approved by the Education

Officer.

3. The learned Assistant Government Pleader submits that, as transfer is after issuance of circular dated 28.06.2016 and the surplus candidates are to be absorbed, the Education Officer has rightly passed the order.

4. This Court under its judgment dated 04.07.2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions has held that some of the clauses of the Circular dated 28.06.2016 did not apply. It is right of the management to transfer the persons from unaided to aided posts, of course subject to certain conditions. The same are dealt with in the judgment referred to above.

5. In the light of that, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner from unaided to aided post. The same shall be decided in tune with judgment dated 04.07.2019 passed by this Court in Writ Petition No. 1493 of 2018 with other connected writ petitions.

6. In view of the above, the writ petition is disposed of. No costs.

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