

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
921 WRIT PETITION NO.2646 OF 2020**

BHAUSAHEB UTTAM MORE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Vithal H. Dighe, Advocate for the Petitioners.
Mr. A. R. Kale, AGP for Respondents-State.
Mr. S. S. Wagh, Advocate for Respondent No.3.

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

DATED : 12th FEBRUARY, 2020.

PER COURT:-

1. The proposal seeking approval to the transfer of petitioners from unaided to aided is rejected.

2. We have heard the learned counsel for petitioners and learned A.G.P.

3. According to the learned A.G.P. there are many deficiencies to be complied. The Education Officer has not committed any error while passing the impugned order.

4. Mr. Dighe, learned counsel submits that the compliance were made. The Circular dated 28.06.2016 has been misread by the Education Officer.

5. The Education Officer while considering the proposal seeking approval to the transfer of petitioners from unaided to aided division is required to consider the seniority, roster, availability of the posts. The petitioners are bound to submit documents to that effect.

6. As far as Circular dated 28.06.2016 is concerned, this Court under its judgment and order dated 04.07.2019 in Writ Petition No.1493/2018 with connected writ petitions has held that some of the Clauses of Circular dated 28.06.2016 do not apply.

7. In light of the above, impugned order is quashed and set aside.

8. The petitioners and the Management shall make compliance of all the relevant documents required such as seniority, roster and availability of the posts. The Education Officer shall reconsider the same and decide it afresh in tune with the judgment of this Court dated 04.07.2019 in Writ Petition No.1493/2018 with connected writ petitions. The same be decided afresh within a period of four (04) months from the date of the receipt of documents.

9. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE