

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2825 OF 2020

Hariprasad s/o Tatyasaheb Kulkarni
and Anr.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr G.K. Naik (Thigle), Advocate holding for
Mr D.D. Deshmukh, Advocate for Petitioners
Mr S.G. Karlekar, AGP for Respondent-State

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

DATE : 17th FEBRUARY, 2020

PER COURT :

1. The proposal seeking approval to the transfer of the petitioners from unaided to aided is rejected.
2. Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader for respondent Nos. 1 and 2.
3. The proposal seeking approval to the transfer of the petitioners from unaided to aided is rejected basically on the ground of circular dated 28.06.2016.

4. This Court in its judgment dated 4th July, 2019 in Writ Petition No. 1493 of 2018 with connected writ petitions held that some of the clauses of circular dated 28.06.2016 do not apply.

5. Of course, the respondent No. 2- Education Officer (Secondary) has to consider the roster, the seniority, and the qualification.

6. In light of that, the impugned order is quashed and set aside.

7. The Education Officer (Secondary) shall reconsider the proposal seeking approval to the transfer of the petitioners from unaided to aided in tune with the judgment of this Court in Writ Petition No. 1493 of 2018 with connected writ petitions dated 4th July, 2019.

8. The writ petition is accordingly disposed of. No costs.

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

mta