

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

WRIT PETITION NO. 4958 OF 2020

Jogdand Ram Mahadev

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. S.V. Deshmukh, Advocate for petitioner
Mr. S.G. Karlekar, A.G.P. for respondent – State
Mr. R.A. Deshmukh, Advocate for respondent no.3

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATE : 23rd JULY, 2020**

ORDER :

The proposal seeking approval to the transfer of the petitioner from unaided post to aided post is rejected. The same is rejected basically on the basis of Circular dated 28th June, 2016.

2. We have heard learned Counsel for the petitioner and learned A.G.P.

3. This Court, under its judgment and order dated 04th July, 2019 delivered in Writ Petition No. 1493 of 2018 with connected writ petitions, has held that some of the clauses of Circular dated 28th June, 2016 do not apply. It appears that the said judgment has not been considered by the Authority while passing the impugned order.

4. In light of above, the impugned order is quashed and set aside.
5. The Education Officer shall decide the proposal seeking approval to the transfer of the petitioner from unaided post to aided post afresh in tune with the judgment dated 04th July, 2019 delivered by this Court in Writ Petition No. 1493 of 2018 with connected writ petitions. The same shall be decided expeditiously and preferably within a period of four months.
6. Writ petition is disposed of. No costs.

(R.G. AVACHAT, J.)
SSD

(S.V. GANGAPURWALA, J.)