

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

977 WRIT PETITION NO. 5710 OF 2020

**SANGEETA NIVRUTTI PANCHAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner: Mr. Nitin K. Chaudhari
AGP for Respondents No. 1 & 2: Mr. A. B. Chate
Advocate for Respondents No. 3 & 4:
Mr. S. M. Gaikwad

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

DATE: 07th OCTOBER, 2020

PER COURT:

1. The proposal seeking approval to the transfer of the petitioner from unaided to aided is rejected on the ground of Circular dated 28.06.2016 and there is a backlog of reserved category candidates. It is submitted by Mr. Chaudhari, learned Advocate for the petitioner that the petitioner is appointed from O.B.C. category and in the order passed one post for OBC is shown.

2. We have in our order dated 04.07.2019 passed in Writ Petition No. 1493 of 2018 with connected

writ petition observed that some of the clauses of Circular dated 28.06.2016 would not apply. As far as backlog is concerned, the petitioner claims to have been appointed from O.B.C. category and one post for OBC is shown vacant. The petitioner also claims to possess validity certificate.

3. It is for the Education Officer to confirm the appointment of the petitioner from O.B.C. category and if satisfied the proposal cannot be rejected on the ground of backlog of reserved category candidate.

4. In view of that, the impugned order is set aside. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner from unaided to aided division in tune with the judgment of this Court dated 04.07.2019 passed in Writ Petition No. 1493 of 2018 with connected writ petition and also consider the category from which the petitioner is appointed. The same be decided preferably within four (04) months.

5. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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