

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5677 OF 2020

Vijaysing s/o Vamansing Ishi ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr U.B. Bondar, Advocate for Petitioner

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

Mr V.C. Patil Ashtekar, Advocate for Respondent Nos. 3 and 4

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

DATE : 22nd SEPTEMBER, 2020

PER COURT :

1. The proposal seeking approval to the transfer of the petitioner from unaided post to aided post is rejected on the ground that backlog exists.

2. Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader.

3. It is not disputed that the post for open category candidate also exists.

4. In light of that, it was erroneous on the part of the Education Officer (Secondary) to reject the proposal only on the ground that backlog exists. It is not a case of the respondents that the post is not meant for

open category. The Management has to fill-in post of reserved category candidate also, but that does not mean that the post from open category should not be filled-in. The impugned order is quashed and set aside.

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

6. The same be considered within a period of four months.

7. Writ Petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

mta