

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

WRIT PETITION NO.5891 OF 2020

RAHUL RAMDAS DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri Shambhurje V. Deshmukh
AGP for the Respondents 1 and 2/ State : Mrs.Vaishali N. Patil-Jadhav
...

**CORAM : RAVINDRA V. GHUGE
&
SHRIKANT D. KULKARNI, JJ.**

DATE :- 27th August, 2020

Per Court :-

1 This matter is taken up through Video Conferencing during the COVID-19 pandemic.

2 We have heard the learned advocate for the petitioner and the learned AGP on behalf of respondent Nos.1 and 2.

3 The petitioner has raised a short issue in this matter and has put forth prayer clause "B", which reads as under :-

"B. *By issuing appropriate writ, order or directions in the like nature, the Respondent No.2 may kindly be directed to decide the proposal dated 30.12.2019 (Exh-A) filed by the Respondent No.3 in respect of seeking approval to the transfer of the Petitioner on administrative ground from unaided post to aided post in view of the judgment and order passed by this Hon'ble Court in Writ Petition No.10383/2019 and 1493 of 2018 and accordingly issue approval to the transfer within a period of 1 month.*"

4 The learned advocate for the petitioner points out from page numbers 22 to 24 that in identical set of facts, this Court has passed orders on 22.08.2019 in Writ Petition No.10383/2019 filed by ***Yeole Dharmraj Arjun vs. The State of Maharashtra and others*** and connected two writ petitions, and on 30.07.2020 in Writ Petition (Stamp) No.9414/2020 filed by ***Shaikh Matin Shaikh Gulam Nabi vs. The State of Maharashtra and others.***

5 We find that the petitioner is simply seeking a decision from the Education Officer with regard to the pending proposal for grant of approval to the transfer of the petitioner from an unaided post to an aided post. In the earlier two orders, this Court had directed in paragraph 2 (which are identical) as under :-

"2. *In case the proposal, seeking approval to the transfer of the petitioner from unaided to aided post of the petitioner is pending with the Education Officer, then the Education Officer shall decide the same on its own merits and in accordance with the rules and in tune with the judgment delivered on 04.07.2019 in Writ Petition No.1493/2018 with connected writ petitions, as expeditiously as possible and preferably within six months.*"

6 Considering the above and since we are passing the same order, which would not cause any prejudice to respondent No.3, which according to the learned advocate for the petitioner is a formal party.

7 This Writ Petition is disposed off. In case, the proposal filed by the petitioner seeking approval to his transfer from an unaided to aided post, is pending with Respondent No.2/ Education Officer, respondent No.2 shall decide the same on it's own merits and in accordance with the rules applicable and by taking into view the law laid down in the judgment dated 04.07.2019 delivered in Writ Petition No.1493/2018 and connected matters, as expeditiously as possible and preferably within six months from today.

kps

(SHRIKANT D. KULKARNI, J.)

(RAVINDRA V. GHUGE, J.)