IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7144 OF 2019
(Shri Vasantrao Naik Shikshan Prasarak Mandal, Gangakhed and others Vs. The State of Maharashtra and another)

Mr. V.S. Panpatte, Advocate for the petitioners
Mr. S.B. Narwade, A.G.P. for the respondent/State

CORAM : S.V. GANGAPURWALA AND MANGESH S. PATIL, JJ.

DATE : 13.01.2020

PER COURT :

The proposal seeking approval to the transfer of the petitioner No.3 from unaided post to aided post is rejected. Aggrieved thereby, the present petition.

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

3. The proposal seeking approval to the transfer of petitioner No.3 from unaided post to aided post is rejected solely on the ground that there are surplus teachers to be absorbed. The impugned order does not state that there are surplus teachers in the petitioner – Institution.

4. The Government has issued Circular dated 28.06.2016 to

regulate the transfer from unaided post to aided post.

5. This Court, under its judgment and order dated 04.07.2019 delivered in Writ Petition No.1493 of 2018 with connected Writ Petitions, has held that some of the clauses of the Circular dated 28.06.2016 do not apply. It appears that the said judgment has not been considered by the Authority while passing the impugned order.

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

7. The Education Officer shall reconsider and decide the proposal seeking approval to the transfer of petitioner No.3 from unaided post to aided post afresh in tune with the judgment and order dated 04.07.2019 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.

8. The Writ Petition is disposed of. No costs.

[MANGESH S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

npj/wp7144-2019