

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

WRIT PETITION NO. 6430 OF 2020

Ganesh Ankush Shelar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. S. Thombre, Advocate for the Petitioner.

Mrs. G. L. Deshpande, AGP for Respondent Nos. 1 and 2.

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

DATED : 21st SEPTEMBER, 2020.

PER COURT:-

. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is rejected.

2. Issue notice to the respondents. Learned A.G.P waives service of notice on behalf of respondent Nos. 1 and 2.

3. The learned counsel submits that the petitioner was appointed on an unaided post on 01.01.2014. Initially the approval was granted for the period of probation and thereafter permanent approval was granted on 01.01.2016. The petitioner is the senior most person and has completed more than three years on the unaided post.

4. We have also heard the learned A.G.P.
5. The proposal seeking approval to the transfer of the petitioner from unaided to aided is rejected basically on the basis of the circular dated 28.06.2016. The approval can be considered subject to passing the T.E.T.
6. This Court in Writ Petition No. 1493 of 2018 with connected writ petitions under the judgment and order dated 04.07.2019 has held that some of the clauses of the circular dated 28.06.2016 are inappropriate.
7. The impugned order is set aside. The Education Officer shall decide the proposal seeking approval to the transfer of the petitioner from unaided to aided post in tune with the judgment dated 04.07.2019 in Writ Petition No. 1493 of 2018 preferably within four months.
8. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.