

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

WRIT PETITION NO.6470 OF 2020

Dadasaheb s/o Haribhau Gade

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.S.S.Thombre, advocate for the petitioner.
Mr.K.B.Jadhavar, AGP for Respondents No.1 & 2.

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

DATE : 22nd September, 2020.

PC :

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

2 Issue notice to the respondents. Learned AGP waives notice on behalf of Respondents No.1 & 2.

3 The learned Counsel submits that the petitioner was appointed on an unaided post on 15.05.2015. Initially the approval was granted for the period of probation and thereafter permanent approval was granted on 16.06.2016. The petitioner is seniormost person and has completed more than three years on the unaided post.

4 We have also heard the learned Assistant Government Pleader.

5 The proposal seeking approval to the transfer of the petitioner from unaided to aided post 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 expeditiously, preferably within four months.

8 Writ Petition is disposed of. No costs.

SHRIKANT D. KULKARNI
JUDGE

S.V.GANGAPURWALA
JUDGE

adb