

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

WRIT PETITION NO.6463 OF 2020

Shamala Panditrao Mohite

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.D.S.Mali, advocate for the petitioner.
Mr.A.B.Chate, AGP for Respondents No.1 to 3.

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

DATE : 22nd September, 2020.

PC :

1 The proposal seeking approval to the appointment of petitioner on aided division by transfer from unaided division is rejected.

2 Mr.Mali, learned Counsel for the petitioner, submits that the Circular dated 28.06.2016 would not apply to the petitioner as the petitioner is transferred to the aided division on 01.03.2020. She is required to be considered as an Assistant Teacher.

3 Learned Assistant Government Pleader submits that

there are large number of surplus teachers of aided divisions also. The learned AGP also relies on the Circulars dated 28.06.2016 and 31.03.2017.

4 The proposal seeking approval to the transfer of the petitioner from unaided to aided division is rejected basically on the basis of the Circular dated 28th June, 2016.

5 This Court, in Writ Petition No.1493 of 2018 with connected writ petitions, under judgment and order dated 04th July, 2019, has held that some of the clauses of the Circular dated 28th June, 2016, would not not apply.

6 Considering the above, we pass the following order:

(i) The impugned order is quashed and set aside.

(ii) The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner from unaided to aided division in tune with the judgment and order of this Court dated 04th July, 2019 in Writ Petition No.1493 of 2018 with connected writ petitions.

(iii) The proposal shall be decided afresh, preferably within four (04) months.

6 Writ Petition is disposed of. No costs.

SHRIKANT D. KULKARNI
JUDGE

S.V.GANGAPURWALA
JUDGE

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