

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

74 WRIT PETITION NO.7103 OF 2020

SANJAYKUMAR GANGADHARRAO ADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH
75 WRIT PETITION NO.7116 OF 2020

DILIPKUMAR HANMANTRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Dr Rajendra J Godbole
AGP for Respondents : Mr.P. K. Lakhotia
Advocate for Respondents Nos. 4 & 5: Mr. Shantanu Deshpande

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

DATE : 14th December, 2020

ORDER:

1. The proposals seeking approval to the transfer of the petitioners from unaided to aided basis are rejected.

2. Rejection of proposals is on two counts, circular dated 28th June, 2016 and Government Resolution dated 4th May, 2020. This Court, in Writ Petition No.1493/2018 with connected petitions, under judgment and order dated 4th July, 2019, has held that some of the clauses of the circular dated 28th July, 2016 do not apply. It is pointed out that the ban imposed by the Government Resolution dated 4th July, 2020 has been done away with by the State Government and for that purpose the letter dated 7th December, 2020 is placed on record.

3. In light of above, we pass following orders.

O R D E R

- i. The impugned orders are quashed and set aside.
- ii. The Education Officer shall decide the proposals seeking approval to the transfer of the petitioners from unaided to aided basis, on its own merits in tune with the judgment of this Court dated 4th July, 2019 in Writ Petition No.1493/2018 with connected petitions. Of course the Education Officer is bound to consider the adherence to the seniority, roster and all other aspects.
- iii. The said proposals shall be decided expeditiously, preferably within six months.
- iv. Writ petitions disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

JPC