

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2867 OF 2021

PRASHANT VASANTRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioner : Mr. Nitin K. Chaudhari
AGP for Respondent Nos. 1 & 2 : Mr. P.K. Lakhotiya
Advocate for Respondent Nos. 3 & 4 : Mr. S.M. Gaikwad

...
**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 8th DECEMBER, 2021

PER COURT :-

The proposal seeking approval to the transfer from unaided to aided is rejected. The said proposal appears to be rejected on grounds (1) backlog exists (2) circular dated 28-06-2016.

2. It is contention of the petitioner that he is appointed from SC category. He also possess validity certificate.

3. This Court under Judgment and order dated 04-07-2019 in writ petition No 1493 of 2018 and connected writ petitions has observed that most of the clauses of circular dated 28-06-2016 are erroneous.

4. In light of the above, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner from unaided to aided post. The petitioner may place on record before the Education Officer advertisement, appointment order of the petitioner as belonging to Scheduled Caste Category. The Education Officer shall consider the roster and appointment of the petitioner and whether petitioner is transferred on post meant for SC category, naturally, the Education

Officer shall also consider the seniority, qualifications of the petitioner and also other relevant aspects of the matter before taking decision. The decision shall be taken, as expeditiously as possible, preferably within a period of four (04) months from today.

5. Writ petition is disposed of no costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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