

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

1008 WRIT PETITION NO.6820 OF 2021

**PRATIBHA SOPANRAO KANCHALE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

...

Advocate for Petitioner : Dr. Godbole R.J.
AGP for Respondents 1 to 3 : Mr. A.R. Kale
Advocate for Respondents 4 & 5 : Mr. S.A. Deshpande

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 11/08/2021.

PER COURT :

. The petitioner assails the order, rejecting the proposal seeking approval from un-aided post to aided post in the school.

2. Heard Mr. Godbole, learned advocate for the petitioner and the learned A.G.P

3. The petitioner claims to have been appointed on unaided post of Assistant Teacher on 1st October 2013. Appointment of the petitioner on unaided post is approved by the

Education Officer under order dated 15th April, 2021. It is further contended that the petitioner is transferred to aided post on or about 1st February 2021. The proposal for approval is rejected on the ground that backlog of OBC candidate exists.

4. The petitioner claims to have been appointed from OBC category. The petitioner has certificate of validity of OBC. According to the learned advocate for the petitioner, this aspect has not been considered.

5. If the backlog existed for OBC category and the petitioner is appointed from OBC category, then there was no impediment to Education Officer to consider the same.

6. In the impugned order, it is stated that there is backlog of 2 OBC posts. The petitioner claims to have been appointed on OBC post. This aspect ought to have been considered by the Education Officer.

7. In the result, the impugned order is quashed and set

aside. The Education Officer shall confirm the vacancy for the post of OBC category and appointment of the petitioner on OBC post. The Education Officer shall consider the proposal seeking approval to the transfer of the petitioner from unaided to aided post in tune with the judgment of this Court dated 4th July 2020 in Writ Petition No.1493/2018 with connected writ petitions. The said exercise shall be done preferable withing four weeks.

8. The writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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