

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

1002 WRIT PETITION NO.7405 OF 2021

**KOKAT MAHADEV BALBHIM
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

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Advocate for Petitioner : Mr. S.V. Deshmukh
AGP for Respondents 1 & 2 : Mr. S.G. Karlekar
Advocate for Respondent 3 : Mr. R.A. Deshmukh

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

DATED : 18/08/2021.

PER COURT :

. The proposal seeking approval to the transfer of the petitioner to unaided to aided post is rejected. The said proposal is basically rejected on the ground that the petitioner is at Sr. No. 3 and there are two persons, senior to the petitioner.

2. The learned counsel for the petitioner submits that the person at Sr. No. 1 is Someshwar Rohidas Patekar. He is accommodated on aided post on or about 4th July 2020. The person at Sr. No. 2 is Asaram Pandurang Pawal. He is also

accommodated on aided post on 1st February 2021. The petitioner is at Sr. No. 3. He has been rightly transferred at vacant post. This aspect has not been considered by the Education Officer. According to the learned counsel, the said aspect ought to have been considered.

3. In the light of above, the impugned order is quashed and set aside. The Education officer shall reconsider the proposal submitted by the institution seeking approval to transfer of the petitioner from unaided to aided post on it's own merits. The same shall be decided expeditiously preferably within four months. The Education officer shall consider all aspects of the matter i.e. roster, qualification and other aspects and the judgment of this Court in Writ Petition No. 1493/2018 with connected writ petitions dated 4th July 2019.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/