

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

9 WRIT PETITION NO.7274 OF 2021

GIRISH VINAYAKRAO KULKARNI AND ANOTHER .. Petitioners
VERSUS
THE STATE OF MAHARASHTRA THR SECRETARY
AND OTHERS .. Respondents

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Advocate for the Petitioners : Mr Suraj R. Bagal
AGP for the Respondents No.1 & 2 : Mr K.N. Lokhande

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

DATE : 05-07-2021

PER COURT : -

1. We have heard the learned Counsel for the petitioners and the learned AGP for the respondents no.1 & 2.

2. The petitioners claim to have been appointed as Assistant Teachers with the respondent no.3 - School on 08-07-2013. Approval was granted to the appointment of the petitioners on unaided posts. It is further contention of the petitioners that they were transferred to the vacant grant-in-aid posts on 28-01-2019. The proposal seeking approval to the transfer of the petitioners from unaided post to aided post has been rejected under the impugned order dated 30-04-2021 on the basis of the Government Resolution

dated 04-05-2020.

3. It is the contention of the learned AGP that, barring the General Health Department, Medical Education and Drugs Department, the recruitment in all other departments was prohibited under Government Resolution dated 04-05-2020.

4. We would have appreciated the arguments of the learned AGP, had the petitioners been transferred to the aided posts after 04-05-2020.

5. In the present case, the petitioners claim to have been transferred to the aided posts on 28-01-2019 i.e. prior to the G.R. dated 04-05-2020 and in the academic year 2018-2019.

6. In light of the above, the impugned order is quashed and set aside.

7. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioners from unaided post to aided post on its own merits. Naturally, the Education Officer is required to consider the qualification, the roaster, the seniority and

all other aspects while dealing with the proposal of the petitioners for approval to the transfer on aided post.

8. The decision shall be taken afresh by the Education Officer, as expeditiously as possible, preferably within six months.

9. Writ Petition is disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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