

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7362 OF 2020

SUMANT BABURAO KADAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.S.Thombre h/f Mr.M.S.Karad, Advocate for the petitioner.
Mr.S.R.Yadav-Lonikar, AGP for respondent Nos. 1 and 2.
Mr.A.V.Thombre, Advocate for respondent Nos. 3 and 4.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ.)

DATE : JULY 6, 2021

PER COURT :

1. We have heard the learned Advocates for the petitioner and respondent Nos. 3 and 4 and the learned AGP on behalf of respondent Nos. 1 and 2.

2. Having considered the submissions of the learned Advocates and having perused the petition paper book with their assistance, there is no dispute that the issue involved in this case is as regards refusal by the Education Officer (Secondary) in approving the transfer of the petitioner from an Unaided post to an Aided post. It is equally undisputed that this issue has been put to rest by a judgment of this

Court dated 04/07/2019 delivered in WP No.1493/2018 filed by Suryakant Janardan Muge Vs. State of Maharashtra and others and connected matters. It is also not disputed that in similar set of facts, this Court has passed two orders, on 20/08/2019 in WP No.10238/2019 filed by Archana Damodar Jogdand Vs. State of Maharashtra and others and on 17/03/2021 in Writ Petition No.4810/2021 filed by Eknath Ramrao Bankar Vs. State of Maharashtra and others.

3. Considering the above, this petition is disposed off with the following directions :-

[a] The proposal seeking approval to the transfer of the petitioner from the Unaided to Aided post, which is rejected on the basis of the circular dated 26/08/2016, is quashed and set aside (the impugned order).

[b] Subject to the condition of passing the TET, in case there is no exemption in favour of the petitioner, the Education Officer shall decide the proposal for grant of approval to the transfer of the petitioner from the Unaided to Aided Post in the light of the judgment dated 04/07/2019 in the matter of Suryakant Muge (supra), on or before 30/10/2021.

(S.G. MEHARE)

(RAVINDRA V. GHUGE, J.)