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

**948 Writ Petition No.9282 Of 2021**

Anil Sambhajirao Gangane

.. Petitioner

Versus

The State Of Maharashtra and Others

.. Respondents

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Dr. R.J. Godbole, Advocate for the Petitioner

Mr P.K. Lakhotiya, AGP for Respondent Nos.1 to 3

Mr S.A. Deshpande, Advocate for Respondent Nos.4 & 5

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

**DATE : 24-08-2021**

**PER COURT : -**

1. The petitioner claims to have been transferred from unaided to aided post with effect from 01-08-2019 i.e prior to the proposed amendment to Rule 41 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (In short 'MEPS Rules'). The proposal seeking approval to the same has been rejected on the basis of Circular dated 28-06-2016.

2. We have heard Mr Godbole, learned Advocate for the petitioner and learned AGP for respondent nos.1 to 3.

3. The learned Counsel for the petitioner submits that the

petitioner was appointed on unaided post on 08-01-2015. The appointment on unaided post was approved under order dated 12-01-2017. The petitioner is transferred to the aided post on 01-08-2019 upon retirement of one of the employee.

4. The proposal is basically rejected on the basis of Circular dated 28-06-2016.

5. This Court under Judgment and order dated 04-07-2019 in Writ Petition No.1493 of 2018 with connected writ petition has observed that, some of the clauses of Circular dated 28-06-2016 are erroneous. The petitioner is also transferred before the amendment to Rule 41 of the MEPS Rules.

6. In light of above, we pass the following order.

ORDER

- (i) The impugned order is quashed and set aside.
- (ii) The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner from unaided to aided post. It certainly has to consider the seniority, roaster and qualification of the petitioner. The petitioner having already worked for more than 5 years on the unaided post, the said aspect also needs to be

considered.

(iii) The proposal shall be decided in tune with the Judgment dated 04-07-2019 in Writ Petition No.1493 of 2018, expeditiously and preferably within four months.

7. Writ Petition is accordingly disposed of. No costs.

**[ R.N. LADDHA ]**  
**JUDGE**

**[ S. V. GANGAPURWALA ]**  
**JUDGE**

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