

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO.363 OF 2021

DATTATRAY LAXMAN POKLE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. N. L. Jadhav, Advocate for the Petitioner.

Mrs. P. V. Diggikar, AGP for Respondent Nos.1 and 2.

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CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATED : 12th JANUARY, 2021.

PER COURT:-

1. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is rejected.

2. We have heard Mr. Jadhav, learned counsel for the petitioner and learned A.G.P. for respondent nos.1 and 2.

3. The proposal for approval is basically rejected on the ground that there are some surplus teachers and in view of the Circular dated 28.06.2016.

4. We have in our judgment dated 04.07.2019 in Writ Petition No.1493/2018 with connected writ petition have held that some of the Clauses of the Circular dated 28.06.2016 do not apply.

5. In view of that, the impugned order is quashed and set aside.

6. The Education Officer shall decide the proposal seeking approval to the transfer of the petitioner from unaided to aided post afresh on its own merits in tune with the judgment of this Court dated 04.07.2019 in Writ Petition No.1493/2018 with connected writ petition. The other aspects, ofcourse, will be considered by the Education Officer such as seniority, adherence to the roster etc.

7. The same shall be decided preferably within a period of four months.

8. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE