

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

**916 WRIT PETITION NO. 194 OF 2021**

**SAHEBRAO PANDURANG PAWAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Vilas S Panpatte  
AGP for Respondent No. 1: Mr. S. K. Tambe  
Advocate for Respondent No. 2:  
Mrs. Y. M. Thorat (Kshirsagar)

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

**DATE: 08<sup>th</sup> JANUARY, 2021**

**PER COURT:**

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

2. The learned A.G.P. waives service of notice for respondent no. 1. Mrs. Thorat, learned Counsel waives service of notice for respondent no. 2.

3. The proposal seeking approval to the transfer of the petitioner from unaided to aided is rejected basically on the basis of Circular dated 28.06.2016.

4. We have under our order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected writ petition have held that some of clauses of Circular dated 28.06.2016 do not apply.

5. In light of that, we pass the following order.

6. The impugned order is quashed and set aside.

7. Respondent no. 2 / Education Officer (Primary), Zilla Parishad, Nanded shall decide the proposal seeking approval to the transfer of the petitioner from unaided to aided afresh, on its own merits, in tune with the judgment delivered by this Court dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected writ petition and same be decided expeditiously and preferably within four (04) months.

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

[SHRIKANT D. KULKARNI, J.]  
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[S. V. GANGAPURWALA, J.]