

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

**WRIT PETITION NO. 550 OF 2021**

Akber Khan Karim Khan .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

Shri Popat P. More, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for the Respondent No. 1.

Shri V. S. Panpatte, Advocate for the Respondent No. 2.

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

**DATE : 14TH JANUARY, 2021.**

**FINAL ORDER :**

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

2. The petitioner was appointed on unaided post as Assistant Teacher on 06.02.2012. The appointment of the petitioner on unaided post is approved by the Education Officer under order dated 25.09.2013. The petitioner is transferred to the aided post on 01.07.2018. The petitioner is the senior most teacher on the unaided post. According to the petitioner, petitioner's appointment is as per roaster.

3. We have heard the learned counsel for the petitioner, the learned Assistant Government Pleader for the respondent No. 1 and Mr. Panpatte, the learned counsel for the respondent No. 2.

4. We have considered the issue of Circular dated 28.06.2016 under judgment dated 04.07.2019 passed in Writ Petition No. 1493 of 2018 with other connected writ petitions and held that all the clauses of the circular dated 28.06.2016 would not apply.

5. Considering the above, impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner in tune with the judgment dated 04.07.2019 passed in Writ Petition No. 1493 of 2018 with other connected writ petitions.

6. In the light of the above, the writ petition is disposed of. No costs.

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

*bsb/Jan. 21*