

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

WRIT PETITION NO.5429 OF 2021

BALWANT MADHUKARRAO HONMALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Boinwad Omgashad B.
AGP for Respondent/State: Mr. P.V. Diggikar
Advocate for Respondent Nos. 3 and 4 : Mr. A.B. Kharosekar

...
**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**
DATE : 30/03/2021

PER COURT :

1. The proposal seeking approval to the transfer of the petitioner from unaided to aided division is rejected.
2. The proposal it appears is basically rejected on the basis of Circular dt. 06.02.2016.
3. We have in our judgment dt. 04.07.2019 in Writ Petition No.1493 of 2018 with connected writ petitions held that some of the clauses of the said circular do not apply.
4. In light of that the impugned order is quashed and set aside. The Education Officer shall decide the proposal seeking approval to the transfer of the petitioner afresh in tune with the judgment of this Court dt. 04.07.2019 in Writ Petition No. 1493 of 2018 with connected writ petitions. The Education Officer shall consider all the relevant aspects of the matter such as seniority, roster, qualification etc. The same shall be decided within six months from today.
5. The writ petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)