

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

947 WRIT PETITION NO.3330 OF 2021

KHAN MAHJABEEN BEGUM YAHYA KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. D. S. Mali
AGP for Respondents/State: Mr. P. K. Lakhotiya

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

DATE : 23.02.2021

P.C. :

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

(i) Circular dated 28.06.2016.

(ii) Government Resolution dated 4.5.2020 prohibiting transfers because of Covid-19 pandemic.

2. We have heard the learned counsel for the petitioner and learned A.G.P. for respondent Nos.1, 2 and 3.

3. As far as the Circular dated 28.06.2016 is concerned, this Court in its judgment dated 04.07.2019 delivered in Writ Petition No.1493 of 2018 with connected writ petitions, has held that some of the clauses of Circular dated 28.06.2016 do not apply.

4. The Government Resolution prohibiting transfers was issued on 4.05.2020 and the petitioners are transferred from unaided post to aided post prior to the issuance of the said Government Resolution.

5. In light of the above, both the grounds for rejecting the proposal are not tenable.

6. The impugned order is quashed and set aside. The Education Officer shall decide the proposal seeking approval to the transfer of the petitioner from unaided post to aided post afresh in tune with the judgment dated 04.07.2019 in writ petition No.1493 of 2018 with connected writ petitions. The same shall be decided expeditiously and preferably within a period of six months. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)