

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

WRIT PETITION NO. 2576 OF 2021

Athare Sambhaji Rangnath

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Shivaji T. Shelke, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

Mr. S. S. Wagh, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 23rd September, 2021.

PER COURT:-

. The proposal seeking approval to the appointment of the petitioner is rejected basically on the ground of circular dated 28.06.2016 and that the appointment has to be made through Pavitra Pranali.

2. This Court under judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions held that some of the clauses of the circular dated 28.06.2016 are erroneous.

3. The date of appointment of the petitioner on unaided post, date of approval to the appointment of the petitioner on unaided post and date of transfer to the aided post are detailed in the chart. The same is reproduced as under :

Petitioner No.	Name	Appointment on unaided post	Approval at of unaided post	Transfer on aided post
1)	Athare Sambhaji Rangnath	22.07.2013	October 2015	14.02.2020

4. It would appear that the petitioner is transferred from unaided to aided post after completion of three years of service.

5. In the light of the above, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the transfer of the petitioner afresh from unaided to aided post. It may consider the availability of post, seniority, roster and qualification of the petitioner. However, the proposal shall not be rejected on the ground on which the impugned order is passed. The same shall be decided expeditiously and preferably within a period of four (04) months from today.

6. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.