

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

**WRIT PETITION NO. 2500 OF 2021**

Kute Ravindra Suresh  
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

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

Mr. A. R. Kale, 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 :   23<sup>rd</sup> September, 2021.**

**PER COURT:-**

.       The proposals seeking approval to the appointments of the petitioners are rejected basically on the ground of circular dated 28.06.2016 and that the appointments have 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 appointments of the petitioners on unaided posts, date of approval to the appointments of the petitioners on unaided

posts and date of transfers to the aided posts are detailed in the chart.

The same is reproduced as under :

| Petitioners No. | Name                         | Appointment on unaided post | Approval date unaided post | Transfer on aided post |
|-----------------|------------------------------|-----------------------------|----------------------------|------------------------|
| 1)              | Kute Ravindra Suresh         | 01.08.2014                  | 10.11.2015                 | 10.08.2017             |
| 2)              | Dahatonde Rahul Babasaheb    | 01.08.2014                  | 10.11.2015                 | 10.08.2017             |
| 3)              | Phopase Nitinkumar Popat     | 01.08.2014                  | 10.11.2015                 | 10.08.2017             |
| 4)              | Marathe Prabhakar Narayan    | 01.08.2012                  | 10.11.2015                 | 10.08.2017             |
| 5)              | Aware Dnyaneshwar Nandkishor | 22.07.2013                  | 20.09.2019                 | 01.11.2019             |
| 6)              | Avhad Dilipkumar Raghunath   | 22.07.2013                  | 20.09.2019                 | 01.11.2019             |
| 7)              | Nikalje Sarjerao Raghunath   | 22.07.2013                  | 20.09.2019                 | 01.11.2019             |

4. It would appear that all these petitioners are transferred from unaided to aided posts after completion of three years of service. The management has tried to transfer employees from unaided to aided posts, in accordance with seniority, adherence to the roster and the qualification.

5. In the light of the above, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposals seeking approval to the transfers of the petitioners from unaided to aided posts afresh. It may consider the availability of posts, seniority, roster and qualification of the petitioners. However, the proposals 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.