

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO.8893 OF 2022

ALMAJ NIJAMUDDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER

Advocate for Petitioner : Mr. Dhakne Vijay A.
AGP for Respondents: Mr. S.K. Tambe

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th DECEMBER, 2022.**

PER COURT :-

1. The petitioner has put forth the prayer clauses "B" and "C", as under:-

"B) To direct the respondent No.2 to grant approval to the transfer of the petitioner from unaided to aided post as Librarian (Full Time) in the admissible pay scale on 100% grant in aid from 01.01.2017 and to pay the arrears of difference in salary for the period between 1.01.2017 to 31.12.2019, by issuing a writ of mandamus or any other appropriate writ, order or directions as the case may be.

C) To quash and set aside the impugned approval order dated 30.07.2019 issued by the Education Officer (Secondary), Zilla Parishad, Beed to the extent of granting approval to the transfer of petitioner from unaided to aided post as Shikshan sevak in phrase wise manner, by issuing a writ of Certiorari or any other appropriate writ, order or direction as the case may be."

2. The learned A.G.P. submits on instructions from the Officer present in the court, that the law laid down by this court vide judgment dated 4.7.2019, in writ petition No. 1493 of 2018, (Suryakant Janardan Muge vs. State of Maharashtra and others), will be applied to the case of the petitioner to be reconsidered in the light of her contention that she had joined the duties as Librarian, on the unaided establishment since 1.12.2011. After perusing the records, the case of the petitioner would be considered strictly in accordance with the law applicable and the decision would be taken on or before 31.01.2023.

3. In view of the above statement, this petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/