

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2585 OF 2022

Laxmi Narhari Pawar ...Petitioner

vs.

The State of Maharashtra
Through Secretary Higher and
Technical Education Dept. and
Ors.

...Respondents

Mr. Sandesh D. Patil i/by Adv. Prithviraj S. Gole -- Advocate for the
Petitioner

Mr. K. S. Thorat- AGP for the Respondent- State

Mr. N. V. Bandiwadekar i/by Smt. Ashwini Bandiwadekar – Advocate for
Respondent.

**CORAM : S.V. GANGAPURWALA AND
S. M. MODAK, JJ.**

DATE : 13th JULY, 2022

P. C. :-

1. The Petitioner is transferred from unaided to aided Division. The parties are governed by the Maharashtra Public Universities Act. The University had approved the transfer of the Petitioner from unaided college to aided college. The proposal was further sent to the Joint Director of Higher Education. The Joint Director of Higher Education rejected the proposal on the ground that there is no provision for transfer from unaided college to aided college.

2. We have heard learned counsel for the Petitioner, Respondent and

learned AGP

3. A reference is made to the communication of the Director of Higher Education dated 20/10/2002 to the Secretary of the Institution. The said communication states that the persons to be transferred should possess the necessary educational qualification and the transfer should be as per the Seniority and if the post is reserved, a reserved candidate only can be transferred.

4. In light of that we set aside the impugned Order. The Joint Director of Higher Education shall reconsider the proposal for approval. It shall also consider letter dated 20/10/2002 (page no. 71) issued by the Director of Higher Education. Of course, it has to consider all other aspects of the matter as stated in the said letter. The decision shall be taken preferably within four months.

5. Writ Petition is disposed of. No costs.

6. The Petitioner and/or the Management may appear before the Joint Director of Higher Education and point out the other circulars, if any.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]