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

WRIT PETITION NO.9351 OF 2021

Rakesh Ganpat Belose

..... Petitioner

Vs.

State of Maharashtra and Ors.

..... Respondents

Mr.Vinayak Kumbha a/w Mr.N.V.Bandiwadekar i/b Ms.Ashwini
Bandiwadekar for the Petitioner

Mrs.P.N.Diwan, A.G.P. for the State

Mr.Mandar Limaye for Respondent no.3

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

DATED : JUNE 30, 2022

P.C.

1. The proposal seeking transfer of the petitioner to aided post is
rejected.

2. Heard the learned counsel for the petitioner, the learned
counsel for the institution and the learned A.G.P.

3. The proposal it appears is rejected on the ground that the
petitioner's initial appointment was dated 26.07.2010 for Marathi

and Environmental Studies whereas the petitioner acquired the qualification in Marathi subject in May, 2011. The learned counsel points out that in fact the petitioner was appointed under order dated 22.07.2011. In the order of approval, date was wrongly mentioned as 26.07.2010. It is further contended that the petitioner had obtained the degree in political science in 2017 and is transferred in 2019 to the aided post of Political Science.

4. It appears that because of the date mentioned in the order of approval of the appointment of Petitioner on unaided post, confusion had cropped up. The petitioner and the institution may point out this mistake to the Deputy Director of Education which the Deputy Director of Education shall consider.

5. As far as transfer is concerned, petitioner is possessessing necessary qualification as contended. He has acquired qualification of M.A. (Political Science) in April 2017 and is transferred to aided post in the said subject in the year 2019. On the date of transfer, petitioner possessess the necessary qualification for the subject Political Science.

6. In the light of that, impugned order is quashed and set aside.

Petitioner shall reconsider the proposal of the petitioner for transfer from unaided post to aided post considering the aforesaid observations. The petitioner institution may place on record relevant documents showing initial date of appointment and qualification acquired. The same shall be decided preferably within four months.

7. Writ petition is disposed of. No costs.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)