

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

84 WRIT PETITION NO.4618 OF 2023

SUNITA ASHOK KHURPE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Shivaji T. Shelke.
AGP for Respondent/State : Mr. S. K. Tambe.
Advocate for Respondent Nos.3 & 4 : Mr. S. S. Wagh.

...
AND

87 WRIT PETITION NO.4621 OF 2023

ANIL BHIVSEN GHODECHOR
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. A. S. Jadhav.
AGP for Respondent/State : Mr. P. S. Patil.

...
AND

89 WRIT PETITION NO.4623 OF 2023

SANTOSH VISHNU DANDAGE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. A. S. Jadhav.
AGP for Respondent/State : Mr. V. M. Kagne.

...
AND

103 WRIT PETITION NO.4640 OF 2023

NAWALE SUNIL EKNATH
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Shivaji T. Shelke.
AGP for Respondent/State : Mr. S. G. Karlekar.
Advocate for Respondent Nos.3 & 4 : Mr. S. S. Wagh.

...
AND

116 WRIT PETITION NO.4657 OF 2023

DAKE DATTATRAYA JAGANANATH
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Shivaji T. Shelke.
AGP for Respondent/State : Mr. S. K. Tambe.
Advocate for Respondent Nos.3 & 4 : Mr. S. S. Wagh.

...
AND

135 WRIT PETITION NO.4701 OF 2023

BORHADE KAILAS NIVRUTTI
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Shivaji T. Shelke.
AGP for Respondent/State : Mr. P. S. Patil.
Advocate for Respondent Nos.3 & 4 : Mr. S. S. Wagh.

...

CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 25th April, 2023.

Per Court:

1. All these Petitioners are identically placed. Their proposals for transfer from the unaided establishment to the aided establishment, are pending with the Education Officer (Secondary) /

Deputy Director of Education. For ready reference, the Writ Petition numbers, names of the Petitioners and service details, are set out in the chart, which is taken on record and marked as 'X' for identification. The said chart is reproduced hereunder:-

Sr. No.	Writ Petition No.	Name of Petitioners	Date of appointment on unaided post	Approval date on unaided post	No. of service on unaided post	Date of transfer on aided post	Date of proposal to Education officer
1	WP No. 4618/2023	Smt. Sunita W/o. Ashok Khurpe	01.10.2003	16.05.2007	17 years	14.06.2020	14.09.2021 & 29.06.2022
2	WP No. 4621/2023	Anil Bhivsen Ghodechor	01.07.2013	10.11.2015	09 years	24.11.2022	24.11.2022
3	WP No. 4623/2023	Santosh Vishnu Dandage	16.06.2015	12.11.2018	7 years	01.12.2021	27.12.2021
4	WP No. 4640/2023	Nawale Sunil Eknath	13.06.2002	03.01.2007	17 years	15.06.2019	20.09.2021, 20.07.2022 & 06.03.2023
5	WP No. 4657/2023	Dake Dattatraya Jagananath	13.06.2000	03.01.2007	21 years	01.10.2021	20.10.2021 & 06.03.2023
6	WP No. 4701/2023	Borhade Kailas Nivrutti	13.06.2000	03.01.2007	21 years	11.01.2019	13.10.2022 & 06.03.2023

2. In view of the above and since the proposals of these Petitioners are pending, **these Petitions are disposed off** with the following directions:-

- A) Respondent No.2 (Education Officer (Secondary) / Deputy Director of Education), shall consider the pending proposals of these Petitioners, seeking transfer from the unaided establishment to the aided establishment. Since the circular dated 1st December,

2022 issued by the School Education Department, staying the operation of Rule 41A of the MEPS Rules, 1981, has been stayed by the order of this Court at Nagpur vide order dated 21st December, 2022 in Writ Petition No.8215 of 2022 (***Friends Social Circle, Akola through its Secretary and others Vs. The State of Maharashtra and another***), the proposals shall be decided by considering the relevant provisions of law, Policies and the Government Resolutions, as well as Rule 41A of the MEPS Rules, 1981.

- B) Let such decision be arrived at within 60 days from today.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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