

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7315 OF 2023

VAISHALI RAOSAHEB KASHID
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Tungar Hrishikesh V.
AGP for Respondents : Mr. S.G. Sangale
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 03 JULY 2023

PC :

Heard.

2. Petitioner is awaiting approval to her transfer from unaided division to aided division.

3. We have heard both the sides finally.

4. The impugned order passed by the respondent no. 2 refuses to grant approval to such transfer of the petitioner on the sole count of issuance circular dated 01 February, 2022. Operation of the self same circular has been stayed in the matter of *Friend Social Circle, Akola through its Secretary, Mohd. Farooque Gulam Gaus and others Versus The State of Maharashtra, through its secretary, Education and Sports Department, Mumbai and another*, in Writ Petition No. 8215 of 2022 (Nagpur Bench), by the order dated 21 December 2022. It was specifically observed that Administrative circulars cannot supersede to

the statutory provisions. Still the impugned order refuses to grant approval for the self same reason of issuance of circular dated 01 December 2022.

5. Writ Petition is allowed. The impugned order is quash and set aside. The matter is relegated to the respondent no. 2 for passing appropriate order on its own merits but approval shall not be refused on the ground of circular dated 01 December 2022.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

spc/