

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9799 OF 2023

**PATHAN MAJEDKHAN RAJAKKHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS**

...

Advocate for Petitioner : Adv. Anjali Dube
Addl.GP for Respondents : Mr. P.S. Patil

...

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

DATE : 10 AUGUST 2023.

PER COURT :

Heard the learned Advocate for the petitioner and learned AGP

1. The petitioner is challenging the order passed by the respondent no.3/Education Officer (Secondary), Zilla Parishad, Parhbani dated 20.06.2023 refusing to grant approval to his transfer only on the ground that there is a dispute in the managing committee members.
2. We cannot comprehend how this could be a ground for refusing to grant approval and what was expected of the respondent no.3 was to consider the proposal on its own merits and strictly in accordance with law.

3. We allow the writ petition, quash and set aside the impugned order and relegate the matter back to the respondent no.3 who shall pass a fresh order on its own merits as expeditiously as possible and in any case within six weeks but shall not refuse to grant approval for the reasons mentioned in the impugned communication which is being set aside.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb...