

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO.11017 OF 2023

LAXMAN KERBA BAGDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
WITH
937 WRIT PETITION NO.11048 OF 2023

KIRAN SARJERAO KAMBLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.A.D.Sonkawade h/f Mr.N.K.Choudhari, Advocate for the Petitioners.
Mr.P.K.Lakhotiya, Mr.P.S.Patil, AGPs' for the Respondent/State.

**(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)**

DATE : SEPTEMBER 5, 2023

PER COURT :

1. The Petitioners in both these petitions are identically placed. Their proposals for transferring them from 20% aided division to the 100% aided division, have been forwarded to Respondent No.2.

2. We find that both these cases are covered by the order dated **10.03.2022** passed in **WP No.9284/2021** filed by **Dhanashree**

Bhausahab Borkhede Vs. The State of Maharashtra and Others and the order dated **02.05.2022** passed in **WP No.3336/2021** filed by **Patekar Someshwar Rohidas Vs. The State of Maharashtra and others.**

3. We have no reason to adopt a different view in these matters. Considering the same, more specifically the directions set out in paragraph No.15 of the order in **Patekar Someshwar Rohidas (supra)**, **these petitions are partly allowed.** The impugned orders are set aside and the proposals of these Petitioners, which are already forwarded to the Education Officer, would be considered in the light of the following conditions :-

(a) Wherever the Managements/respondents in these petitions have not intimated to the Education Officer as regards the available vacancies in their Institutions, such Managements shall forthwith issue communications to the Education Officer, within 45 days, setting forth details of the vacancies available with such Institutions.

(b) While considering the above communications, as also those which may have already been forwarded to the Education Officer by some of the Managements, the issue of surplus teachers vis-a-vis available vacancies in Beed district, based on the seniority and eligibility, will be considered and recommendation of surplus teachers to particular Institutions for absorption, would be considered by the Education Officer.

(c) While considering transfers from unaided to aided category as per the proposals forwarded by the respondents/Managements, the Education Officer shall also consider whether, an imbalance in reservation is likely to be created in the aided category owing to such transfers.

(d) As far as possible, the Education Officer shall ensure that an imbalance is not created in reservation while approving such transfers to the aided category vis-a-vis vacancies that have occurred in the reserved category on account of superannuation or voluntary retirement, etc.

(e) After considering the above aspects, the Education Officer shall pass reasoned orders in the cases before him, as expeditiously as possible and preferably within 60 days after receiving the proposals.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)