



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

WRIT PETITION NO. 2299 OF 2023

Ravindra Suresh Kute and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 2307 OF 2023

Sambhaji Rangnath Athare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 2362 OF 2023

Adinath Navnath Kate and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri N. S. Shah, Advocate for the Petitioners in all matters.

Shri R. S. Wani, A.G.P. for the Respondent Nos. 1 to 3.

Shri A. S. Jagtap, Advocate h/f Shri Shaikh Ashraf Patel,

Advocate for the Respondent Nos. 4 to 6 in all matters.

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

DATE : 23 JULY 2024.

FINAL ORDER :

. All these petitions raise objection to the similar decision of

the respondent/Education Officer refusing to grant approval to their transfers from unaided division to aided division only by referring to the Government Resolution dated 01.12.2022. The petitioners in these writ petitions are teachers of the same management and petitioner in Writ Petition No. 2307 of 2023 is employee of different management.

2. The petitioners are aggrieved by the communication dated 09 December 2022, whereby the Education Officer refused to grant approval to their transfers from unaided division to aided division, purportedly effected in the light of provisions of Rule 41 and 41A of the M. E. P. S. Rules, only on the ground that by Government Resolution dated 01 December 2022, such transfers were prohibited.

3. Suffice for the purpose to observe that in the matter of **Friends Social Circle, Akola through its Secretary, Mohammad Farooque Gulam Gaus and others Vs. State of Maharashtra and another in Writ Petition No. 8215 of 2022** this Court (Nagpur Bench) by **order dated 21.07.2023** this G. R. dated 01 December 2022 has been struck down. Consequently, impugned order will not be sustainable. Since this being the only reason the only option would be to relegate the matters back to the respondent/Education Officer for reconsidering the proposals for grant of approvals on its own merits.

4. Writ petitions are allowed partly. Impugned orders are quashed and set aside. Education Officer (Secondary), Zilla

Parishad, Ahmednagar shall reconsider proposals of the petitioners on their own merits and decide the same as expeditiously as possible and in any case within a period of six (06) weeks from today. It shall not be rejected for the reasons mentioned in the impugned order dated 09 December 2022 (Exhibit – G).

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24