



corrected copy : corrections have been carried out in view of the speaking to the minutes of the order dated 28.08.2024.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9068 OF 2024

1. Dr M Iqbal Education Society Latur Through Its Vice President Yunus Saleem Minhajoddin Kazi And Ors
2. The Head Master
3. Smt. Chaus Khudeja Husain

VERSUS

1. State of Maharashtra
2. The Deputy Director of Education
3. The Education Officer (Primary)

Mr. P. B. Gapat, Advocate for the petitioners
Mr. V. M. Chate, AGP for the respondent/State
Mr. V. C. Patil h/f Mr. U. B. Bondar, Advocate for respondent no.3.

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

DATE : 23.08.2024

ORDER (PER - SHAILESH P. BRAHME, J):

Heard both the sides.

2. The petitioner is challenging the order dated 29/07/2024 passed by respondent no.3 – The Education Officer rejecting the proposal seeking transfer of the petitioner from unaided post to aided post.
3. The petitioner no.3 was appointed on 15/06/2012. Her

appointment was approved by the respondent no.-3 Education Officer. On or about 01/04/2018 she was transferred from unaided post to aided post in the same school. When the proposal was submitted to the Education Officer seeking approval for transfer it was rejected considering the government circular dated 28/06/2016 and government resolution dated 01/04/2021.

4. The petitioner no.3 rendered services on unaided post for six years and thereafter she was transferred. This Court has already dealt with this situation in the matter of **Sandhya Balkrushna Teli and others Vs. State of Maharashtra and others, 2021(4) Mh.L.J., 465** and In the matter of Prakash Dattatray Bagul Versus The State of Maharashtra and others in Writ Petition No. 7614/2020 dated 06/07/2021.

5. In view of the above pronouncements, ends of the justice would be met in directing the respondent no.3- Education Officer to reconsider the approval.

6. We, therefore, dispose of this petition by quashing and setting aside the order dated 29/07/2024 and relegating matter to the respondent no.3-Education Officer to reconsider the proposal and decide it on its own merits within a period of four (04) weeks. However, it shall

not be rejected on selfsame ground which is mentioned in the impugned communication.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SSP