



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 2756 OF 2026

ASHOK SIDDHESHWAR GHAVLE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. G.L. Deshpande, Advocate for petitioner

Miss. Neha B. Kamble, AGP for respondent Nos.1 to 4

...

WITH

CIVIL APPLICATION NO. 3080 OF 2026 IN WP/2756/2026

...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 09th APRIL, 2026

ORDER :

. Initially, the petitioner challenged the communication dated 18.11.2024 issued by respondent No.4 and sought directions against respondent No.4 to decide the petitioner's proposal dated 04.08.2025 for transfer from unaided to aided post as per the Government Circular. The consequential prayers were also made. However, during the pendency of the petition Civil Application No.3080 of 2026 has been filed for amendment to

bring the subsequent events on record. The petitioner is now in receipt of communication dated 29.01.2026, thereby rejecting the proposal that was forwarded by the Management on 04.08.2025 on the ground that certain instructions were to be received from the office of Commissioner of Education.

2 The **Civil Application** stands **allowed**. Amendment to be carried out forthwith.

3 Heard learned Advocate appearing for petitioner and learned AGP, who waives notice for respondent Nos.1 to 4. No necessity to issue notice to respondent Nos.5 to 7.

4 The petitioner came to be appointed on the post of Assistant Teacher with effect from 18.07.2013. He comes with a case that taking into consideration the increase in the strength of the students, the school and the Management had sent a proposal for the second division to 10th standard on 13.12.2019. Prior to that it is the contention of petitioner that he was transferred from unaided to aided post and for the approval of said transfer proposal was submitted on 26.08.2015. The Government came up with the policy of absorption of the surplus teachers and according to petitioner certain teachers came to be absorbed in the respondent school. Still the said

proposal dated 26.08.2015 was pending with the Education Officer. The petitioner had reached this Court by filing Writ Petition No.8212 of 2024 which was disposed of on 05.08.2024 with direction to respondent No.4 to consider and decide the said proposal dated 26.08.2015 on its own merits, if not already decided, within a period of four weeks from that date. Now, according to petitioner, the said proposal is now decided and rejected for such reasons as stated in communication dated 29.01.2026.

5 Learned AGP submits that there is dispute between the Management as it is learned and so also it appears that certain instructions were awaited from the office of Commissioner of Education. It appears that the Education Officer has returned the proposal. However, she has instructions to state that the said proposal would then be decided within a period of 12 weeks from today.

6 We do not want to go into the merits for the simple reason that the reason that has been given for rejection of proposal in communication dated 29.01.2026 is totally unjustifiable. The Education Officer cannot avoid his responsibility to decide the proposal on its merits on the flimsy ground that certain instructions are awaited from his higher officer. At the same time, we do not want to go with the statement made on behalf of petitioner for another simple reason that the proposal that was forwarded to the

Education Officer by respondent Nos.6 to 8 is dated 04.08.2025. That means, it is a fresh proposal and it appears that the transfer of petitioner from unaided to 100% aided is with effect from 01.08.2025 as per the said proposal submitted on 04.08.2025.

7 Whatever proposal has been submitted should have been decided on merits by the Education Officer and he cannot reject it on the ground that there is dispute in the Management. For that purpose also there are Government Circulars which he should consider.

8 We have taken note of the fact that now as per the Government Notification dated 13.11.2025 the powers to decide such proposal i.e. transfer from unaided to aided are given to Commissioner of Education, Pune and, therefore, we **dispose of** the writ petition by directing respondent No.4 to call the proposal dated 04.08.2025 from respondent Nos.5 to 7 within a period of 15 days from today and forward it to Commissioner of Education, Pune. After the said proposal is received by the Commissioner of Education, Pune, though he is not a party to the proceedings, he should proceed to decide the same within a period of eight weeks thereafter.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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