

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

925 WRIT PETITION NO.2138 OF 2021

SAMIDHA NITIN PATIL
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri A. D. Pawar
AGP for Respondents No.1,2 and 3 : Shri A. R. Kale

...
**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 04th FEBRUARY, 2021

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PER COURT :

1. The proposal seeking approval to the transfer of the petitioner from unaided to aided posts is approved by the Deputy Director, but phase wise initially on 20% grant in aid.
2. According to the learned counsel for the petitioner, petitioner has rendered 7 (seven) years service on unaided post and thereafter transferred to the 100 % grant in aid post. In such scenario, the approval ought to have been granted to 100 % grant in aid.
3. We have also heard Shri Kale, the learned AGP for respondents No.1, 2 and 3.
4. It appears that the Deputy Director of Education relied upon the circular dated 28/06/2016. This Court under order dated 04/07/2019 in

Writ Petition No. 1493/2018 with connected Writ Petitions, held that some of the clauses of circular dated 28/06/2016 do not apply.

5. In case the petitioner has rendered 7 (seven) years service on unaided posts and thereafter is transferred to 100 % aided post, then his services has to be transferred to 100 % grant-in-aid.

6. In light of the above, the impugned order to the extent of granting approval in a phase wise manner i.e. 20 % is quashed and set aside. The Deputy Director shall grant approval from unaided to aided post, if the petitioner is transferred to 100 % grant-in-aid after rendering 7 (seven) years of services on unaided post from the date of transfer to the aided post. The same shall be considered within 4(four) months.

7. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

shp/-