

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

916 WRIT PETITION NO.2594 OF 2021

VANDANA MADHUKAR PATIL
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS
AND
926 WRIT PETITION NO.2607 OF 2021

RUPALI YUVRAJ CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
935 WRIT PETITION NO.2616 OF 2021

SMITA NARENDRA PATIL
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS
AND
957 WRIT PETITION NO.2638 OF 2021

VAISHALI NARESH SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr Ajay D. Pawar
AGP for Respondents : Mr. K. N.Lokhande

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

DATE : 10th February, 2021.

ORDER:

1. The proposals seeking approval to the transfer of the petitioners from unaided to aided posts are approved by the Deputy Director, but phase wise initially on 20% grant in aid.

2. According to the learned counsel for the petitioner, petitioners have rendered 5 (five) 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 Pawar, 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 petitioners have rendered 5 (five) years service on unaided posts and thereafter are transferred to 100 % aided post, then their services have to be transferred on 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 petitioners are transferred to 100 % grant-in-aid after rendering 5 (five) 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 petitions are disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC