

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

WRIT PETITION NO. 3120 OF 2021

Nilesh Sukdeo More and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Paresh B. Patil (Borse), Advocate for Petitioners.

Shri P. S. Patil, A.G.P. for Respondent Nos. 1 to 4.

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

DATE : 17TH FEBRUARY, 2021.

FINAL ORDER :

. It is submitted that, the petitioners have worked on unaided posts for four years and more.

2. We have in our judgment dated 4.7.2019 in Writ Petition No. 1493 of 2018 with connected writ petitions held that some of the clauses of the circular dated 28.6.2016 do not apply. It appears that the Education Officer, while granting approval to the appointment of petitioners as an Assistant Teacher from the date of transfer to the aided posts had granted approval on grant-in-aid in phase-wise manner to the effect that after five years, the petitioners would be granted approval on 20% grant-in-aid. The same would not be in tune with the order passed by this Court from time to time at this Bench and also at principal seat.

3. In case the petitioners are transferred on 100% grant-in-aid posts since the date of completion of three years, they shall be considered on 100% grant-in-aid posts. In case the petitioners are transferred on grant-in-aid posts, for example on 60%, then from the date of transfer, they would be on 60% grant-in-aid posts, but if the petitioners, after having completed three years on unaided posts and are transferred on 100% grant-in-aid posts, their services will have to be considered on 100% grant-in-aid posts. This aspect has been ignored by the Education Officer.

4. In light of above, the impugned order of granting approval in phase-wise manner is quashed and set aside and modified.

5. In case the Education Officer/Deputy Director of Education is satisfied about approval to the transfer of the petitioners on aided posts and if the petitioners have completed three years and more on unaided posts before they are transferred to aided posts on 100% grant-in-aid posts, then respondent - Education Officer/Deputy Director of Education shall consider grant of approval to the transfer of the petitioners on 100% grant-in-aid posts within a period of six (06) months.

6. In the light of the above, the writ petition is disposed of.
No costs.