

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

WRIT PETITION NO. 4002 OF 2021

Devrao Venkatrao Sonkamble

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. M. D. Narwadkar, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

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

DATED : 04th March, 2021.

PER COURT:-

. The learned counsel for the petitioner submits that the petitioner has worked on unaided post for more than three years. Upon the post becoming vacant on grant in aid, the petitioner is transferred to the grant in aid post. The approval has been granted to the transfer of the petitioner on the aided post, but on 20% grant in aid. The learned counsel further submits that after having worked for more than three years on unaided post, the approval ought to have been granted on 100% grant in aid. The learned counsel relies on the judgment of this Court in Writ Petition No. 1493 of 2018 with connected writ petitions dated 04.07.2019.

2. We have also heard the learned A.G.P for respondent Nos. 1 and 2.

3. It appears that the appointment of the petitioner on unaided post is approved. The petitioner is transferred to the aided post after working on unaided post for more than three years. In case, the petitioner is transferred on 100% grant in aid post, then in such circumstance, the approval has to be granted on 100% grant in aid. Under judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected writ petitions, we have held that some of the clauses of circular dated 28.06.2016 do not apply.

4. In the light of the above, the impugned order to the extent of granting approval in a phase wise manner is set aside. The Education Officer shall after confirming that the petitioner has completed three years of service on unaided post before transfer to the aided post and the aided post is on 100% grant in aid, then the Education Officer shall grant approval to the petitioner on 100% grant in aid from the date of his transfer. The said exercise shall be done within a period of four (04) months from today.

5. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.