

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4557 OF 2021

Sonali D/o Bhimrao More and others

...Petitioners

Versus

The State of Maharashtra and others

...Respondents

Mr A.N. Nagargoje, Advocate for Petitioners

Mr A.R. Kale, AGP for Respondent Nos. 1 and 2

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

DATE : 15th MARCH, 2021

PER COURT :

1. The approval is granted to the transfer of the petitioners on unaided to aided post on 20 % grant-in-aid post.
2. We have heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Respondent Nos. 1 and 2.
3. According to the petitioners, the petitioners are appointed in the year 2013 and they are transferred to the aided posts in the year 2017 and 2018 after completing more than three years of service on the unaided post.
4. In case, the petitioners are transferred on 100 % grant-in-aid posts after putting in more than three years of service on unaided post, then their services are required to be approved on 100 % grant-in-aid post.

5. We had under our Judgment and order dated 4th July, 2019 in writ petition No. 1493 of 2018 with other connected writ petitions observed the said fact and further held that some of the clauses of Circular dated 28th June, 2016 do not apply.

6. In view of that, the impugned order to the extent of granting approval on 20 % grant-in-aid is quashed and set aside.

7. The Education Officer (Secondary) shall consider that if the petitioners have rendered the service of more than three years on unaided post and are transferred to 100 % grant-in-aid post, then the approval is required to be granted on 100% grant-in-aid post.

8. The aforesaid aspect be considered and the orders shall be passed afresh preferably within a period of four months from today.

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

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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