

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

WRIT PETITION NO. 4963 OF 2021

Maruti Eknathrao Suryawanshi

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. V. S. Panpatte, Advocate for the Petitioner.

Mr. S. B. Yawalkar, Addl. G. P. for Respondent Nos. 1 and 2.

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

DATED : 22nd March, 2021.

PER COURT:-

. At the request of learned counsel for the petitioner leave to amend prayer clause is granted.

2. The learned counsel for the petitioner submits that the appointment of the petitioner on unaided post was approved with effect from 25.07.2008. The petitioner was transferred to the aided post with effect from 05.02.2019 on 100% grant in aid post, still the approval is granted on 20% grant in aid post in the year 2019. The same is illegal.

3. The learned Addl. G. P. accepts notice for respondent Nos. 1 and 2.

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

5. The respondent No. 2 relied upon the circular dated 28.06.2016 while granting approval to the transfer of the petitioner from unaided to aided post. We have in our judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with other connected matters held that some of the clauses of the circular dated 28.06.2016 do not apply.

6. In case, the petitioner is transferred to 100% grant in aid post after rendering three years or more service on unaided post, then his transfer ought to be considered on 100% grant in aid post.

7. In the light of the above, the impugned order is quashed and set aside. The Deputy Director of Education shall consider that if the petitioner is transferred to 100% grant in aid post after rendering three years and more service on unaided post, then approval shall be granted on 100% grant in aid post. The same shall be done expeditiously and preferably within a period of six (06) months from today.

8. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.