

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

995 WRIT PETITION NO.5591 OF 2021

JAYASHRI RANGNATH PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr Girish S. Rane  
AGP for Respondents State: Mrs V N Patil Jadhav

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

DATE : 31st March, 2021.

**ORDER:**

1. Mr. Rane, the learned counsel submits that the petitioner was appointed on unaided post on 2<sup>nd</sup> March, 2013. The said appointment is approved. Upon vacancy occurring of aided post, the petitioner is transferred on aided post on 01.08.2020. Proposal seeking approval to the transfer of the petitioner from unaided to aided post is approved by the Education Officer but on 20% grant in aid basis.

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

3. It appears that the petitioner was appointed for the first time on unaided post on 2<sup>nd</sup> March, 2013. Appointment of the petitioner on unaided post is approved by the Education Officer. On 01.08.2020, the petitioner is transferred to the aided post after rendering seven years of services.

4. We have, in our judgment dated 04.07.2019 in Writ Petition No. 1493/2018 with connected writ petitions, observed that some of the clauses of Circular dated 28.06.20-16 do not apply. If the petitioner, after

rendering more than three years of service on unaided post is transferred to 100% grant-in-aid post, then approval has to be granted on 100% grant in aid post.

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

6. The Education Officer shall confirm about the transfer of the petitioner on 100% grant in aid post and if the petitioner is transferred on 100% grant in aid post, shall grant approval to the petitioner on 100% grant in aid post from the date of transfer to aided post. The same shall be done preferably within four months.

7. We have passed the said order in view of the fact that the Education Officer approved the transfer of the petitioner on aided post, meaning thereby, the Education Officer has considered all other aspects of the matter.

8. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC