

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11300 OF 2021

SHIVAJI BHAGUJI PARALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. G.K. Naik Thigle h/f Mr. Yogini S. Digraskar
Additional GP for Respondents No.1 and 2 : Mrs. M.A. Deshpande
...

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 27th OCTOBER, 2021

PER COURT :-

Heard Mr. Thigle, learned counsel for the petitioner and Additional Government Pleader for respondents No. 1 and 2.

2. It is contention of the petitioner that he worked for more than three years on unaided post prior to transfer on aided post. The proposal ought to have been approved from the date of transfer. The said issue is no longer *res-integra* in view of the judgment and order dated 04-07-2019 in Writ Petition No. 1493 of 2018 with other connected matters.

3. The petitioner is appointed on unaided post as Assistant Teacher on 14-01-2013. The said appointment is approved by the Education Officer and the petitioner is transferred from non grant to grant in-aid post from 1st July, 2016, after having worked for more than three years on unaided post.

4. In the light of above, in case, petitioner is transferred on 100% grant in-aid post then petitioner ought to be given approval as Assistant Teacher from the date of transfer from unaided post to aided post. The Education Officer shall reconsider the proposal and if he is satisfied that the petitioner was transferred on 100% grant in aid post as Assistant Teacher, approval shall be granted to the petitioner on 100% grant-in-aid post from the date of his transfer. The proposal shall be decided afresh, as expeditiously as possible, preferably within a period of four months.

5. We have passed this order in view of the fact that the transfer of the petitioner to the aided post is approved, meaning thereby that Education Officer is convinced about the seniority, roster and qualifications of the petitioner.

6. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S.V. GANGAPURWALA)
JUDGE