

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

955 WRIT PETITION NO.5874 OF 2021

KRUSHNABAI UTTAMRAO SHINDE  
VERSUS  
THE STATE OF MAHARASHTRA & OTHERS

...  
Mr.Ramesh I. Wakade, Advocate for the  
petitioner.

Mr.S.B.Yawalkar, Addl.G.P. for the  
respondent-State.

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

DATE : 06.04.2021.

P.C.

1] Proposal seeking approval to the  
transfer of the petitioner on the aided is  
allowed but on 20% grant-in-aid.

2] It appears that the petitioner is  
initially appointed in the year 2013. The  
appointment of the petitioner on unaided post  
is also approved. The petitioner was  
transferred to the aided post on 01.09.2020,  
after rendering almost 7 years and 8 months  
of service on unaided post.

3] It is submitted that the petitioner  
has worked on unaided posts for 7 years and 8  
months.

4] We have in our judgment dated 04.07.2019 in Writ Petition No.1493 of 2018 with connected Writ Petitions held that some of the clauses of the Circular dated 28.06.2016 do not apply. It appears that the Education Officer, while granting approval to the appointment of petitioners as an Assistant Teacher from the date of transfer to the aided posts had granted approval on grant-in-aid in phase-wise manner to the effect that after five years, the petitioners would be granted approval on 20% grant in aid. The same would not be in tune with the order passed by this Court from time to time at this Bench and also at Principal Seat.

5] In case the petitioner is transferred on 100% grant-in-aid posts since the date of completion of three years, petitioner shall be considered on 100% grant-in-aid posts. In case the petitioner is transferred on grant-in-aid posts, for example on 60%, then from the date of transfer, petitioner would be on 60% grant-in-aid posts, but if the petitioner, after having completed three years on unaided posts and is transferred on 100% grant-in-aid posts, her services will have to be

considered on 100% grant-in-posts. This aspect has been ignored by the Director of Education / Dy. Director of Education / Education Officer.

6] In light of above, the impugned order of granting approval in phase-wise manner is quashed and set aside and modified.

7] In case the Director of Education / Dy. Director of Education / Education Officer are satisfied about approval to the transfer of the petitioner on aided posts and if the petitioner has completed three years and more on unaided posts before she is transferred to aided posts on 100% grant-in-aid posts, then respondents—Director of Education / Dy. Director of Education / Education Officer shall consider grant of approval to the transfer of the petitioner on 100% grant-in-aid posts within a period of six months.

8] Writ Petition is disposed of. No costs.

[SHRIKANT D.KULKARNI,J.] [S.V.GANGAPURWALA,J.]