

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
923 WRIT PETITION NO. 6625 OF 2021**

VIJETA UTTAMRAO BHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. P.S. Dighe.
AGP for Respondents : Mr. K.B. Jadhavar.

**CORAM : S. V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.
DATED : 16.06.2021.**

PER COURT :

. Heard Mr. Dighe, the learned Advocate for the petitioner and the learned AGP for respondent Nos. 1 to 4.

2. The petitioner is assailing the order giving approval to his transfer on the aided post to the extent of 40% grant in aid.

3. Mr. Dighe, the learned Advocate for the petitioner submits that the petitioner was appointed on 01.02.2013 on unaided post. The appointment has been approved by the Education Officer on 15.09.2020. The petitioner is transferred to the aided post on 100% grant in aid. Only on the basis of the circular dated 28.06.2016 the Education Officer has granted the approval on 40% grant in aid.

4. The learned AGP submits that the Education Officer, on the basis of the circular dated 28.06.2016, has rightly granted the approval.

5. It appears that the petitioner is initially appointed on 01.02.2013. His appointment is also approved. Subsequently permanent approval has been granted to her appointment on unaided post on 30.12.2017. The petitioner has worked for more than five years on the unaided post.

6. We have in our judgment dated 04.07.2019, in Writ Petition No. 1493/2018 with connected Writ Petitions held that some of the clauses of circular dated 28.06.2016 do not apply.

7. In case the petitioner is transferred on 100% grant in aid post then the petitioner deserves to be granted approval on 100% grant in aid, in view of the fact that he has already rendered services for almost seven years on unaided post prior to his transfer to the aided post.

8. In light of the above, the impugned order only to the extent of granting approval on 40% grant in aid is quashed and set aside. The Education Officer shall verify that the transfer of the petitioner on 100% grant in aid and thereafter, upon verification, grant approval to the transfer of the petitioner on aided post on 100% grant in aid. The same be done preferably within four months.

9. The Writ Petition is disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S. V. GANGAPURWALA, J.)

S.P.C.