

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

WRIT PETITION NO. 6630 OF 2021

Manoj Bapurao Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Paresh B. Patil (Borse), Advocate for the Petitioner.

Mr. A. S. Shinde, AGP for Respondent Nos. 1 to 4.

Mr. M. D. Gitte, Advocate for Respondent No. 5.

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

DATED : 28th JULY, 2021.

PER COURT:-

. The petitioner was appointed as an Assistant Teacher on unaided post on or about 16.06.2010. The appointment of the petitioner on unaided post is approved by the Education Officer. The petitioner is transferred to the aided post on 01.06.2015. The approval is granted to the transfer of the petitioner on aided post, however, in a phase wise manner in view of the circular dated 28.06.2016. The same is assailed in the present writ petition.

2. We have heard the learned counsel for the petitioner, the learned A.G.P. for respondent Nos. 1 to 4 and Mr. Gitte, learned counsel for respondent No. 5.

3. This Court under its judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2019 with other connected writ petitions has observed that, some of the clauses of the circular dated 28.06.2016 are erroneous.

4. In the aforesaid judgment this Court has held that, if employee is working for three years and more on unaided post and thereafter transferred to the 100% aided post, then approval ought to be granted on 100% grant in aid post, of course after satisfying all other criterias.

5. In the light of the above, the impugned order to the extent of granting approval in a phase wise manner is set aside. The Education Officer (Secondary), Zilla Parishad, Jalgaon shall verify the transfer of the petitioner on aided post and, if, it is satisfied that the transfer of the petitioner is on 100% grant in aid post and the petitioner has worked for more than three years on unaided post shall approve the transfer of the petitioner on 100% grant in aid post.

6. We have passed this order as the Education Officer has approved the transfer of the petitioner on aided post, meaning thereby, the Education Officer has satisfied about the qualification, seniority and the roster.

7. The aforesaid exercise shall be done expeditiously and preferably within a period of four (04) months from today.

8. In view of the above, writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.