

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

14 WRIT PETITION NO.7209 OF 2021

LATA W/O NAMDEV PENDALWAD

VERSUS

THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Swapnil Patunkar, i/b J. P. Legal Associates.

AGP for Respondent/State: Mrs. M. A. Deshpande.

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

DATE : 19th July, 2021.

P.C.:

. Issue notice to the Respondents. The learned AGP accepts notice for Respondent Nos.1, 2 and 3.

2 The contention of the petitioner is that the petitioner is appointed on an unaided post on 3rd July, 2009. The appointment of the petitioner on the unaided post is approved under the order dated 28th July, 2010. On 1st September, 2015 the petitioner is transferred to the aided post. The Deputy Director of Education has approved the transfer of the petitioner to the aided post, but on 40% from the year 2015-16 i.e. in a phase wise manner.

3 The said approval in the phase wise manner has been granted on the basis of circular dated 28th June, 2016.

4 This Court in its judgment and order dated 4th July, 2019 in Writ Petition No.1493 of 2018 with connected writ petitions, held that if the employee has rendered service more than three years on unaided post and is transferred to 100% grant-in-aid post, then the approval has to be granted on 100% grant-in-aid.

5 In light of the above, the impugned order to the extent of granting approval to the petitioner in phase wise manner is set aside.

6 The Deputy Director of Education shall confirm that the transfer of the petitioner on aided post is 100% grant-in-aid. If the Deputy Director of Education comes to the conclusion that the post on which the petitioner is transferred to the aided division was on 100% grant-in-aid, then the approval shall be granted to the petitioner on 100% grant-in-aid. The said exercise shall be done expeditiously, preferably within four months.

7 The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]