

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

997 WRIT PETITION NO.7523 OF 2021

SANJIV S/O DHONDIRAM BEMBARE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Kalyan V. Patil.

AGP for Respondent/State: Mr. A. R. Kale.

...

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

DATE : 09th July, 2021.

P.C.:

. Heard the learned counsel for petitioner and the learned
AGP for Respondent Nos.1 to 4.

2 It appears that the petitioner's appointment on unaided post as assistant teacher was approved with effect from 1st July, 2004. Thereafter, permanent approval is granted to the petitioner as assistant teacher on unaided post with effect from 1st July, 2006.

3 The petitioner, it appears, is transferred to the aided post on or about 17th June, 2019. The approval order is granted to the petitioner on aided post with effect from 19th August, 2019. However,

on 20% grant-in-aid. The petitioner is aggrieved by the approval not being granted on 100% grant-in-aid, but on 20% grant-in-aid.

4 It appears that the Divisional Deputy Director of Education relied on the circular dated 28th June, 2016.

5 This Court in its judgment and order dated 4th July, 2019 in Writ Petition No.1493 of 2018 with connected writ petitions, held that some clauses of the circular dated 28th June, 2016 would be apply. It was held that if an assistant teacher has rendered more than three years of services on unaided post before his transfer to the aided post, then the services are required to be approved on 100% grant-in-aid, if the post on which the petitioner is transferred is 100% grant-in-aid. In the present case, petitioner appears to have worked for almost 14-15 years on unaided post.

6 In light of the above, the impugned order to the extent of granting approval to the services of the petitioner on 20% grant-in-aid is quashed and set aside.

7 The Education Officer shall confirm that the post on which the petitioner is transferred is 100% grant-in-aid then shall grant approval to the petitioner on 100% grant-in-aid. The same shall be

done expeditiously, preferably within four months.

8 The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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