

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

WRIT PETITION NO. 7403 OF 2021

Deepali Dattatrayrao Deshmukh .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Irfan D. Maniyar, Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 07TH JULY, 2021.

FINAL ORDER :

. The petitioner is aggrieved by the order of approval granted to her upon her transfer to aided post on 20% grant in aid. According to the learned counsel for the petitioner, the approval ought to have been on 100% grant in aid post.

2. We have also heard the learned Assistant Government Pleader for respondent Nos. 1 and 2.

3. The petitioner was appointed on unaided post on 26th July, 2013. The permanent approval was granted to the appointment of the petitioner on unaided post on 28.11.2017. The petitioner is transferred from unaided post to aided post on 03.01.2020.

4. Considering the above details, it is clear that, before transfer of the petitioner from unaided post to aided post, he

petitioner has worked for almost six and half years on unaided posts. This Court in its judgment and order dated 04th July, 2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions has held that, if an employee is transferred on 100% grant in aid post after discharging his duties on unaided post for more than three years, he is entitled to be granted approval as an assistant teacher on 100% grant in aid post.

5. In the light of the above, the impugned order to the extent of granting approval to the transfers of the petitioners on 20% grant in aid is quashed and set aside. The Education Officer shall verify the post on which the petitioner is transferred, is on 100% grant in aid and if he satisfies that the petitioner is transferred on 100% grant in aid post, then approval shall be granted to the transfer of the petitioner on 100% grant in aid, aided division.

6. We have passed this order because approval has been granted by the Education Officer to the transfer of the petitioner on 20% grant in aid thereby the Education Officer is satisfied with the seniority, roster, qualification of the petitioner.

7. The aforesaid exercise shall be done expeditiously and preferably within a period of four (04) months from today. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]