

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

WRIT PETITION NO. 7395 OF 2021

Murlidhar Ramkishan Gundre
and others

.. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Irfan D. Maniyar, Advocate for Petitioners.
Shri P. G. Borade, 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 petitioners are aggrieved by the order of approval granted to them upon their transfers to aided posts on 20% grant in aid. According to the learned counsel for petitioners, the approval ought to have been on 100% grant in aid posts.

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

3. The details of each petitioner regarding date of appointment on unaided post, date of approval on unaided post, transfer on aided post are as under :

Name of Petitioner	Date of Appointment on unaided post	Approval on unaided	Permanent approval on unaided	Transfer on aided post	Approval on aided post on 20% grant
Murlidhar Ramkishan Gundare	30.06.2013	04.03.2014	13.01.2016	28.02.2020	11.12.2020
Usha Bapurao Ghungare	30.06.2013	04.03.2014	13.01.2016	28.02.2020	11.12.2020
Suresh Arun Puri	30.06.2013	04.03.2014	13.01.2016	28.02.2020	11.12.2020
Bhaghyashree Khushalrao Mundhe	30.06.2013	04.03.2014	13.01.2016	28.02.2020	11.12.2020

4. The aforesaid chart would show that before transfers to the aided posts, the petitioners have 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 posts on which the petitioners are transferred, are on 100% grant in aid and if he satisfies that all the petitioners are transferred on 100% grant in aid posts, then approval shall be granted to the transfers of the petitioners on

100% grant in aid, aided divisions.

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

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.]

bsb/July 21