

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

968 WRIT PETITION NO.7709 OF 2021

**LEENA LOTAN THAKARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER**

...
Advocate for Petitioner: Mr. Raje Vikrant P.
AGP for Respondents No.1&2: Mr. S. G. Karlekar

...

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

DATE: 16th JULY, 2021

PER COURT:

1. The learned A.G.P. accepts notice for respondents no. 1 and 2.

2. The grievance of the petitioner is that approval has been granted to the transfer of the petitioner from unaided to aided post but in a phase-wise manner.

3. According to the petitioner, the petitioner is appointed on unaided post as Assistant Teacher on 15.06.2012. The appointment on unaided post is approved under the orders dated 16.11.2013. The

petitioner is transferred to aided post on 31.07.2017. The Deputy Director of Education has granted approval to the transfer of the petitioner on 20% grant-in-aid from 2017-2018.

4. The said approval is granted in a phase-wise manner probably relying upon the Circular dated 28.06.2016.

5. This Court in it's judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected writ petitions held that some clauses of the Circular would not apply.

6. The petitioner has rendered more than 5 years of service on unaided post before being transferred to the aided post. In such case, if the petitioner is transferred on 100% grant-in-aid post, then her approval ought to be on 100% grant-in-aid.

7. In light of the above, the impugned order to the extent of granting approval in phase-wise manner is set aside. The Deputy Director of

Education shall confirm that the transfer of the petitioner is on 100% grant-in-aid post and if satisfied shall grant approval to the transfer of the petitioner on aided post on 100% grant-in-aid. The same shall be done expeditiously and preferably within a period of four (04) months.

8. Writ Petition accordingly stands disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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