

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

83 WRIT PETITION NO.7846 OF 2021

MADHAV DAMODHAR BAIKARE

.. Petitioner

VERSUS

THE STATE OF MAHARASHTRA

THR ITS SECRETARY AND OTHERS

.. Respondents

...

Advocate for Petitioner : Mr Chandrakant K. Shinde

AGP for Respondents / State : Mr P.G. Borade

...

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

DATE : 19-07-2021

PER COURT : -

1. It is contended that, the petitioner is appointed on unaided post as Higher Secondary Teacher under appointment order dated 06-07-2011. The services of the petitioner on unaided post are approved. The petitioner is transferred to the aided post on 28-07-2017. The approval is granted to the transfer of the petitioner on the aided post, but in phase-wise grant-in-aid manner. The learned Counsel submits that, the same is illegal. The approval ought to have been granted on 100% grant-in-aid as the petitioner is worked for more than six years on unaided post.

2. The factual matrix appears to be as a matter of record.

After working for more than 6 years, the petitioner is transferred to the aided post on 25-07-2017.

3. The approval in phase-wise manner is granted probably relying upon the Circular dated 28-06-2016.

4. This Court in Writ Petition No.1493 of 2018 with connected writ petitions under the Judgment and order dated 04-07-2019 held that, 'in case the petitioner worked for three years and more on the unaided post and thereafter transferred to the 100% grant-in-aid post, then the approval ought to have been granted on 100% grant-in-aid post.'

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

6. The Respondent - Divisional Deputy Director of Education shall satisfy himself about the transfer of the petitioner on 100% grant-in-aid post. If the petitioner is transferred on 100% grant-in-aid post, then the approval needs to be granted to the petitioner on 100% grant-in-aid post. The same shall be done, preferably, within a period of four months.

7. Writ Petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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