

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

WRIT PETITION NO. 7904 OF 2021

Shrutika Tukaram Patwe .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sambhaji S. Tope, Advocate for the Petitioner.

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

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

DATE : 23RD JULY, 2021.

FINAL ORDER :

. The petitioner is appointed on unaided post on 10.07.2013. The appointment of the petitioner on unaided post as Assistant Teacher is approved. The petitioner after rendering more than six and half years service is transferred to the aided post on 01.01.2020. The approval is granted to the transfer of the petitioner on aided post, however, in a phase wise grant in aid manner.

2. We have heard Mr. Tope, the learned advocate for the petitioner and the learned Assistant Government Pleader for respondent Nos. 1 and 2.

3. The approval has been granted in phase wise manner relying upon circular dated 28.06.2020. We have under our

judgment and order dated 04th July, 2019 in Writ Petition No. 1493 of 2019 and other connected writ petitions observed that, if employee is working for three years and more on unaided post and thereafter transferred to the 100% aided post, then approval ought to be granted on 100% grant in aid post, of course after satisfying all other criteria.

4. In the present case, transfer of the petitioner is approved by the Education Officer. Meaning thereby, the Education Officer was satisfied with the qualification of the petitioner, roster and the seniority. However, approval is granted on grant in aid post in phase wise manner. The petitioner has already worked for six and half years on unaided post. In view of that, the order to the extent of granting approval on 20% grant in post in phase wise manner is quashed and set aside. The Education Officer shall confirm the transfer of the petitioner to the aided post on 100% grant in aid and if satisfied shall grant approval to the transfer of the petitioner from unaided to aided post on 100% grant in aid. Said exercise shall be done within a period of four (04) months from today.

5. In view of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]
bsb/July 21

[S. V. GANGAPURWALA, J.]