

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

1008 WRIT PETITION NO.8028 OF 2021

**RATNA TRAYBAK SANDANSHIV  
VERSUS  
THE STATE OF MAHARASHTRA AD OTHERS**

...  
Advocate for Petitioners : Mr. P.B. Patil (Borse)  
AGP for Respondents 1 to 4 : Mr. P.K. Lakhotiya

...  
**CORAM : S.V. GANGAPURWALA &  
R.N. LADDHA, JJ.**  
**DATED : 18/08/2021.**

**PER COURT :**

. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is approved, however, on phasewise grant in aid in manner. The said condition is assailed.

2. We have heard Mr. P.B. Patil, learned advocate for the petitioner and the learned A.G.P for the respondents.

3. It appears that the petitioner was appointed on unaided post as Assistant Teacher on 16<sup>th</sup> July 2013. The proposal seeking approval to the appointment of the petitioner as Assistant Teacher on unaided post is also approved under order dated 25.7.2016. The petitioner, thereafter, is transferred to the aided post on or about 1<sup>st</sup> September 2018, after rendering service of five years on unaided post.

4. If the petitioner is transferred on 100% grant in aid post, then the approval ought to have been granted on 100% grant in aid in post. Reference can be had to the judgment and order of this Court dated 4<sup>th</sup> July 2019 in Writ Petition No. 1493/2018 with connected writ petitions.

5. In the light of above, the impugned order to the extent of granting approval on phasewise manner is set aside. The Education officer shall verify the transfer of the petitioner on 100% grant in aid post and if he is satisfied that the post on which the petitioner is transferred is on 100% grant in aid, then approval shall be granted to the petitioner on 100% grant in aid post.

6. We have passed the order as the Education Officer approved the transfer of the petitioner on aided post thereby considering the seniority, roster and qualification of the petitioner.

7. The aforesaid exercise shall be done within four months. Writ Petition is disposed of. No costs.

[ R.N. LADDHA, J. ]

[S.V. GANGAPURWALA, J.]

ssc/