

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

16 WRIT PETITION NO.1778 OF 2021

TUSHAR LAXMAN PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

AND

34 WRIT PETITION NO.1796 OF 2021

WASIM SATTAR MALIK AND ANOTHER

..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Vilas S. Panpatte, Advocate for the
Petitioners.

Mrs. P. V. Diggikar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 01st FEBRUARY, 2021.

PER COURT:-

1. The learned counsel for petitioners submits that petitioners were appointed on unaided posts in the year 2003 and 2012 respectively. The petitioner in Writ Petition No.1778/2021 was transferred on aided post on 01.08.2018 and petitioners in Writ Petition No.1796/2021 were transferred on aided post on 01.06.2018 and 15.06.2018. The learned counsel submits that the

posts on which petitioners were transferred were on 100% grant-in-aid. The approval ought to be on 100% grant-in-aid and not phase-wise.

2. The learned A.G.P. accepts notice for respondent nos.1 and 2.

3. As the petitioners have rendered services of more than three years on unaided posts and thereafter are transferred on aided posts and if they are transferred on 100% grant-in-aid posts, then the approval ought to have been granted on 100% and not phase-wise manner. This Court has consistently taken the said view.

4. In light of that, the impugned order is modified.

5. The Education Officer shall after satisfying himself that the petitioners have rendered services on unaided post for more than three years and transferred on 100% grant-in-aid posts, then the Education Officer should approve the services on 100% grant-in-aid.

6. Writ Petitions are disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE