

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

WRIT PETITION NO. 8955 OF 2021

Shrikant Digambar Alewad

Age : 41 years, Occu. : Service,

R/o : Shivaji Vidyalaya, CIDCO,

Nanded, Tq. & Dist. Nanded

.. Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
School Education Department,
Maharashtra State, Mantralaya,
Mumbai-32.
 2. Director of Education (Secondary)
Maharashtra State, Pune.
 3. Deputy Director of Education (Secondary),
Latur Division, Latur.
 4. Education Officer (Secondary),
Zilla Parishad, Nanded,
Tq. & Dist. Nanded
- .. Respondents

Mr. Vikram S. Kadam, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 to 4.

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

DATED : 17th AUGUST, 2021.

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing.

2. The learned AGP accepts notice of Rule for all Respondents.
3. We have heard the learned counsel for petitioner and the learned AGP for the respondents.
4. Petitioner claims to have been appointed on unaided post on 01st February, 2013. The petitioner is transferred to the aided post on 14th September, 2019. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is approved, however, on 20% grant-in-aid post. The grievance of the petitioner is that the petitioner is transferred on 100% grant-in-aid post and his approval ought to have been on 100% grant-in-aid.
5. The Education Officer while passing the order granting approval in phase wise manner, has relied upon the circular dated 28th June, 2016.
6. This Court in its judgment and order dated 04th July, 2019 in Writ Petition No.1493 of 2018 with other connected writ petitions, has observed that if the employee has worked for three years or more on unaided post before his transfer to the aided post and if his transfer is on 100% grant-in-aid post, then the approval ought to be granted on 100% grant-in-aid. This Court in the said judgment and order has also considered that some of the clauses of the circular dated 28th June,

2016 are erroneous.

7. In light of the above, we pass the following order:

ORDER

- I. The impugned order to the extent of granting approval on 20% grant-in-aid, is quashed and set aside.
- II. The Education Officer upon verification, if he is satisfied that the petitioner has worked for three years or more on unaided post before being transferred to the aided post and is transferred to 100% grant-in-aid post, then approval ought to be granted on 100% grant-in-aid.
- III. The said exercise shall be done expeditiously and preferably within a period of four (04) months from today.
- IV. Rule is accordingly made absolute in above terms. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.