

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

933 WRIT PETITION NO.9263 OF 2021

**BHUSHAN PRABHAKAR NIKAM
VERSUS
THE STATE OF MAHARASTRA THROUGH ITS SECRETARY AND
OTHERS**

...
Advocate for Petitioner : Ms. Menezes Joslyn A
AGP for Respondents 1 & 2 : Mrs. V.N. Patil Jadhav
...

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

DATED : 24/08/2021.

PER COURT :

. The learned counsel for the petitioners submits that all these petitioners have worked on unaided posts for more than three years. Upon the posts becoming vacant on grant in aid, the petitioners are transferred to the grant in aid posts. The approvals have been granted to the transfers of the petitioners on the aided posts, but on 20% grant in aid. The learned counsel further submits that after having worked for more than three years on unaided posts, the approvals ought to have been granted on 100% grant in aid. The learned counsel relies on the judgment of this Court in Writ Petition No. 1493 of 2018 with connected writ petitions dated 04.07.2019.

2. The chart showing the details of the petitioners are as under :-

Sr. No.	Petitioner	Appointment on Unaided Post	Approval	Exigency	Transfer on aided Post	Approval
1.	Bhushan Prabhakar Nikam	On 1/07/2007 in Kai. Sau.G.F. Patil Jr. College, Shahada as Junior Lecturer [M.Sc., B.Ed]	On 20/12/2008 as Junior Lecturer	Post fallen vacant due to retirement	On 1/08/2015 Kai. Sau. G.F. Patil Jr. College, Shahada, as Junior Lecturer	On 26/04/2017 as Shikshan Sevak
2.	Tarsing Bharatsing Pawara	On 1/09/2012 in Sheth V.K. Shah Vidya Mandir as Asst. Teacher [B.A., B.Ed]	On 24/12/2012 as Asst. Teacher	Post fallen vacant due to retirement	On 1/06/2018 in Sarvoday Vidya Mandir, Shahada, Taluka Shahad as Asst. Teacher	On 28/05/2018 as Shikshan Sevak

3. We have also heard the learned A.G.P for respondent Nos. 1 and 2.

4. It appears that the appointments of the petitioners on unaided posts are approved. The petitioners are transferred to the aided posts after working on unaided posts for more than three years. In case, the petitioners are transferred on 100% grant in aid posts, then in such circumstance, the approvals have to be granted on 100% grant in aid. Under judgment and order dated 04.07.2019 in Writ Petition No. 1493

of 2018 with connected writ petitions, we have held that some of the clauses of circular dated 28.06.2016 do not apply.

5. In the light of the above, the impugned order to the extent of grant approval in a phase wise manner is set aside. If the Education Officer satisfies that the petitioners have completed three years of service on unaided posts, then the Education Officer shall grant approval to the petitioners on 100% grant in aid from the date of their transfers. The said exercise shall be done within a period of four (04) months from today.

6. Writ petition accordingly is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/