

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
928 WRIT PETITION NO.4320 OF 2021**

SUDARSHAN TUKARAM KADAM

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. S. Panpatte, Advocate for the Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

...

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

DATED : 10th MARCH, 2021.

PER COURT:-

1. The petitioner seeks modification in the approval order.

2. Heard learned counsel for petitioner and learned A.G.P. for respondent nos.1 and 2.

3. The petitioner is appointed on 10.08.2010 on unaided post as Assistant Teacher. The approval is granted to the appointment of the petitioner on unaided post. On or about 01.01.2018 the petitioner is transferred to the aided post. The Education Officer has granted approval to the transfer of the petitioner from unaided to aided post from 01.01.2018, however, on 60% grant-in-aid on the condition that the petitioner's grant-in-aid on 40% would be considered after the petitioner completes 2 years of service from the date of transfer. The Education Officer purportedly relied upon the Circular dated 28.06.2016.

4. The Education Officer in his order has not disputed the appointment of the petitioner in the year 2010. The approval is also granted to the said appointment of the petitioner in the year 2018 on unaided post.

5. We have in our order dated 04.07.2019 passed in Writ Petition No.1493/2018 with connected writ petitions held that some of the Clauses of the Circular dated 28.06.2016 do not apply.

6. The impugned order to the extent of granting approval on 60% grant-in-aid is quashed and set aside.

7. As the petitioner has completed more than 3 years of service on unaided post prior to his transfer on aided post and post on which the petitioner is transferred is 100% grant-in-aid, the Education Officer has to grant approval to the services of the petitioner on 100% grant-in-aid.

8. The Education Officer shall consider the said fact and grant approval accordingly. The same shall be done preferably within a period of four months from today.

9. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE