

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

934 WRIT PETITION NO. 9463 OF 2021

Manoj Vasudeo Khadke

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Ganesh Gadhe, Advocate h/f Mr. Jitendra V. Patil, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 to 3.

948 WRIT PETITION NO. 9486 OF 2021

Dipali Pramod Chaudhari

@ Dipali Prabhakar Kolhe

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Ganesh Gadhe, Advocate h/f Mr. Jitendra V. Patil, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl. G. P for Respondent Nos. 1 to 3.

950 WRIT PETITION NO. 9488 OF 2021

Hemlata Subhash Chaudhari

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Ganesh Gadhe, Advocate h/f Mr. Jitendra V. Patil, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondent Nos. 1 to 3.

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

DATED : 27th AUGUST, 2021.

PER COURT:-

1. The petitioners are transferred from unaided to aided posts.
2. The learned Counsel for the petitioners has placed on record the chart showing the date of initial appointment on unaided posts, the date of approval to the appointment on unaided posts, the date of transfer to the aided posts and the approval granted to the transfer on the unaided posts. The same is reproduced hereunder :

Sr. No.	Writ Petition No.	Name of the Petitioner/Employee	Date of Appointment on Un-Aided Basis	Date of Approval	How many Years Worked on Un-Aided Basis	Transfer Date from Un-Aided to Aided
1.	WP/9463/2021	Manoj Vasudev Khadke	03/06/2013 (Page No. 17)	21/03/2014 (Page No. 19)	5 years	15/06/2018 (Page No. 22)
2.	WP/9486/2021	Dipali w/o Pramod Chaudhari @ Dipali d/o Prabhakar Kolhe	03/06/2013 (Page No. 17)	21/03/2014 (Page No. 19)	5 years, 2 months	13/08/2018 (Page No. 22)
3.	WP/9488/2021	Hemlata Subhash Chaudhari	03/06/2013 (Page No. 17)	21/03/2014 (Page No. 19)	7 years, 5 months	25/11/2020 (Page No. 22)

3. It is submitted that in all these matters, the petitioners have worked on unaided posts for four years and more.
4. We have in our judgment dated 4.7.2019 in Writ Petition No. 1493 of 2018 with connected Writ Petitions held that some of the clauses of the Circular dated 28.6.2016 do not apply. It appears that the Education Officer, while granting approval to the appointment of petitioners as an Assistant Teacher from the date of transfer to the

aided posts had granted approval on grant-in-aid in phase-wise manner to the effect that after five years, the petitioners would be granted approval on 20% grant-in-aid. The same would not be in tune with the order passed by this Court from time to time at this Bench and also at principal seat.

5. In case the petitioners are transferred on 100% grant-in-aid posts since the date of completion of three years, they shall be considered on 100% grant-in-aid posts. In case the petitioners are transferred on grant-in-aid posts, for example on 60%, then from the date of transfer, they would be on 60% grant-in-aid posts, but if the petitioners, after having completed three years on unaided posts and are transferred on 100% grant-in-aid posts, their services will have to be considered on 100% grant-in-aid posts. This aspect has been ignored by the Director of Education / Dy. Director of Education / Education Officer.

6. In light of above, the impugned order of granting approval in phase-wise manner is quashed and set aside and modified.

7. In case the Director of Education / Dy. Director of Education / Education Officer are satisfied about approval to the transfer of the petitioners on aided posts and if the petitioners have completed three years and more on unaided posts before they are transferred to aided

posts on 100% grant-in-aid posts, then respondents - Director of Education / Dy. Director of Education / Education Officer shall consider grant of approval to the transfer of the petitioners on 100% grant-in-aid posts within a period of six months.

8. Writ Petitions are disposed of. No costs

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.