

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

933 WRIT PETITION NO.9404 OF 2021

SEEMA D/O. SHANTARAM JOSHI
VERSUS
THE STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Paresh B. Patil (Borse).

AGP for Respondent/State: Mr. S. P. Tiwari.

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

DATE : 26th August, 2021.

P.C.:

. The learned counsel submits that the appointment of petitioner on unaided post is approved. The petitioner is transferred after rendering five years of service on unaided post to the aided post. The approval is granted by the Education Officer, but in a phase wise manner.

2 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.

3 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-posts. This aspect has been ignored by the Education Officer.

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

5 In case the Education Officer is satisfied about approval to the transfer of the petitioner on aided post and if the petitioner has completed three years and more on unaided post before she is transferred to aided post on 100% grant-in-aid post, then respondent –

Education Officer shall consider grant of approval to the transfer of the petitioner on 100% grant-in-aid post within a period of six months.

6 The writ petition is disposed of. No costs

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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