

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

WRIT PETITION NO. 4201 OF 2021

Rupali Suresh Desai

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Ashraf Patel, Advocate h/f Shri Abhijeet P. Avhad, Advocate
for the Petitioner.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 23RD AUGUST, 2021.

FINAL ORDER :

. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is approved, however in phase wise grant in aid manner.

2. The learned counsel for the petitioner submits that, the petitioner is appointed as an assistant teacher on unaided post on 14.06.2010. The appointment of the petitioner on unaided post is approved. The petitioner is transferred on aided post with effect from 01.07.2016. Said post is on 100% grant in aid, however, in view of circular dated 28.06.2016, the petitioner is granted approval in a phase wise grant in aid manner.

3. The learned Assistant Government Pleader accepts notice

for respondent Nos. 1 and 2 and submits that, in view of circular dated 28.06.2016, no error has been committed by the Education Officer.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. It appears that, the petitioner was appointed on 14.06.2010 on unaided post. As contended by the learned advocate for the petitioner the appointment of the petitioner on unaided post is approved by the Education Officer. The petitioner is transferred to aided post with effect from 01st July, 2016. The petitioner is working for more than six years on unaided post before her transfer on aided post. If the petitioner is transferred on 100% grant in aid post, then approval ought to have been granted on 100% grant in aid post. This Court has dealt with the same issue in Writ Petition No. 1493 of 2018 with other connected writ petitions decided on 04th July, 2019.

6. In the light of the above, the order granting approval to the transfer of the petitioner in phase wise grant in aid manner is set aside. The Education Officer shall verify that the transfer of the petitioner is on 100% grant in aid post and if convinced that the petitioner is transferred on 100% grant in aid post, then approval shall be granted to the transfer of the petitioner on 100% grant in aid post from the date of joining on the aided post. Said exercise shall be done expeditiously and preferably within a

period of four (04) months from today.

7. In the light of the above, the writ petition is disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug.21