

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

905 WRIT PETITION NO. 3993 OF 2021

Shri Umesh Prakash Patil
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. V. P. Raje, Advocate h/f Hemakshi H. Jad, Advocate for the
Petitioners.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

947 WRIT PETITION NO. 4054 OF 2021

Megha Bharat Patil
and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. V. P. Raje, Advocate h/f Hemakshi H. Jad, Advocate for the
Petitioners.

Mr. S. R. Yadav-Lonikar, AGP for Respondent Nos. 1 and 2.

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

DATED : 04th March, 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. We have also heard the learned A.G.P for respondent Nos. 1 and 2.

3. 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.

4. 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.

5. Writ petitions accordingly are disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.