

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
87 WRIT PETITION NO.9923 OF 2021**

ANITA RAGHVENDRA SHAH

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. B. R. Waramaa, Advocate for the Petitioner.

Mrs. V. N. Patil-Jadhav, AGP for Respondents-State.

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

DATED : 06th SEPTEMBER, 2021.

PER COURT:-

1. Heard Mr. Waramaa, learned counsel for the petitioner and learned A.G.P. for respondent nos.1 to 3.

2. The petitioner is appointed on unaided post in the Junior College on or about 31.07.2011. Initially, the approval has been granted for probationary period and thereafter permanent approval has been granted to the appointment of the petitioner on unaided post. On or about 31.07.2017 the petitioner is transferred to aided post. The Deputy Director of Education granted approval to the transfer of the petitioner on aided post, but in phase-wise grant-in-aid manner. The petitioner is assailing the approval granted in phase-wise grant-in-aid manner only.

3. It appears that, the Deputy Director of Education relied upon the Circular dated 28.06.2016 while granting approval on phase-wise grant-in-aid manner.

4. In the judgment dated 04.07.2019 in Writ Petition No.1493 of 2018 with connected writ petitions this Court has observed that some of the Clauses of the Circular dated 28.06.2016 do not apply.

5. It has further been observed that, in case, the petitioner has discharged his duty on unaided post for three years and more before transfer to the aided post and if he is transferred on 100% grant-in-aid post, his approval should be on 100% grant-in-aid post and not in phase-wise manner.

6. In light of the above, the impugned order is quashed and set aside.

7. The Education Officer shall verify the transfer of the petitioner on 100% grant-in-aid post and if he is satisfied that the petitioner is transferred on 100% grant-in-aid post, he shall grant approval to the transfer of the petitioner on 100% grant-in-aid post and not on phase-wise grant-in-aid. The same shall be done preferably within a period of four (04) months from today.

8. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE