

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

911 WRIT PETITION NO.10156 OF 2021

SIMA D/O SHIVAJI AHIRRAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. V. S. Panpatte.

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

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

DATE : 15th September, 2021.

P.C.:

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

2 Heard the learned counsel for petitioner and the learned AGP for respondent Nos.1 and 2.

3 The petitioner claims to have been appointed on unaided post on 11th June, 2005. The petitioner is transferred to the aided post on 15th June, 2017. The appointment of the petitioner on unaided post is approved under order dated 15th February, 2006.

4 According to the learned counsel for petitioner, the petitioner is transferred on 100% grant-in-aid post.

5 In case, the petitioner is appointed in the year 2005 on unaided post and is transferred to the aided post on 15th June, 2017 and if that post is 100% grant-in-aid post, then approval ought to be granted on 100% grant-in-aid post.

6 This aspect has been considered by us in the judgment and order dated 4th July, 2019 in Writ Petition No.1493 of 2018 with connected writ petitions.

7 In light of the above, the impugned order to the extent of granting approval to the services of the petitioner in phase-wise manner is quashed and set aside.

8 The Education Officer shall satisfy himself about the transfer of the petitioner on 100% grant-in-aid post and if he is satisfied that the transfer of the petitioner on 15th June, 2017 is on 100% grant-in-aid post, then shall approve the transfer of the petitioner on 100% grant-in-aid post.

9 The said exercise shall be done preferably within a period
of four months.

10 The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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