

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

WRIT PETITION NO. 10215 OF 2021

Namdev Jagganathrao Bhusare
and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sudhir K. Chavan, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 and 2.

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

DATED : 16th September, 2021.

PER COURT:-

- . The learned A.G.P accepts notice for respondent Nos. 1 and 2.
2. The petitioners are transferred from unaided to aided posts. The transfers of the petitioners are approved, however, in a phase-wise grant in aid manner.
3. The petitioners claim to have been appointed on 04.07.2013 on unaided posts as Assistant Teachers. The appointments of the petitioners on unaided posts are approved by the Education Officer under order dated 31.08.2013. The petitioners are transferred to the aided posts with effect from 01.09.2017. The petitioners have put more than three years service on unaided posts prior to their transfers to the aided posts.

4. In view of that, if the petitioners are transferred on 100% grant in aid posts, then approval ought to have been granted on 100% grant in aid posts as Assistant Teachers. This fact is considered by us under judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions.

5. In the light of the above, the impugned order to the extent of granting approval to the transfers of petitioners in a phase-wise manner is quashed and set aside. The Education Officer shall verify that the transfers of the petitioners are on 100% grant in aid posts and if he is satisfied that the petitioners are transferred on 100% grant in aid posts, then may approve the transfers of the petitioners on 100% grant in aid posts. Of course, the Education Officer shall consider the seniority, roster and qualification of the petitioners.

6. The said exercise shall be done within a period of four (04) months from today.

7. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.