

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.296 OF 2021

SHAIKH VIQAR SHAIKH HUSNUDDIN AND ANOTHER
..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Ms. A. N. Ansari, Advocate for the Petitioners.
Mr. S. B. Pulkundwar, AGP for Respondents-State.

...

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

DATED : 13th OCTOBER, 2021.

PER COURT:-

1. Heard learned counsel for petitioners and learned A.G.P. for respondents.

2. It appears that, the following facts are undisputed:

The petitioners are appointed as Assistant Teachers in the year 2012. The services of petitioners as an Assistant Teachers on the unaided posts are approved. In the year 2018, petitioners are transferred to the aided posts. The approval granted to the transfer of petitioners on aided posts, but in phase-wise grant-in-aid manner. The order of approval to the extent of granting approval in phase-wise manner is assailed.

3. The approvals have been granted to the transfers of petitioners on aided posts in phase-

wise grant-in-aid manner relying upon the circular dated 28.06.2016.

4. This Court in its judgment and order dated 04.07.2019 in Writ Petition No.1493/2018 with other connected writ petitions observed that, some of the clauses of circular dated 28.06.2016 are erroneous.

5. In the present case, petitioners are transferred to the aided posts after rendering more than six years of service on unaided posts. In that event, if petitioners are transferred on 100% grant-in-aid posts, then the approval ought to be on 100% grant-in-aid posts.

6. In the result, the impugned order to the extent of granting approvals to the transfers of petitioners in phase-wise grant-in-aid manner is set aside.

7. The Education Officer shall confirm the transfers of petitioners on 100% grant-in-aid posts and if he is satisfied that transfers are on 100% grant-in-aid posts, then shall grant approvals to petitioners on 100% grant-in-aid posts from the date of approvals to the aided posts. The said exercise shall be done preferably within a period of four (04) months.

8. We have passed the aforesaid order, as the Education Officer has granted approvals to the transfers of petitioners on aided post meaning

thereby that, the Education Officer was convinced about the seniority, roster and the qualification of petitioners.

9. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/October-2021