

44 WRIT PETITION NO.1833 OF 2021

AJAYKUMAR JAGANNATH GHADKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

Mr. Girish S. Rane, Advocate for the Petitioner.
Mr. K. N. Lokhande, AGP for Respondents-State.

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

DATED : 01st FEBRUARY, 2021.

PER COURT:-

1. The learned counsel submits that the petitioner was appointed on unaided post as Assistant Teacher on 02.03.2013. Upon the vacancy in aided post, the petitioner was transferred to the aided post on 01.03.2020. The approval has been granted by the Education Officer to the transfer of the petitioner from unaided to aided post. In the order of approval it is stated that the salary will be paid to the petitioner phase-wise. The Education Officer relied upon the Circular dated 28.06.2016.

2. The learned A.G.P. accepts notice for respondent nos.1 and 2.

3. If the petitioner has rendered service of more than three years on the unaided post and thereafter transferred to 100% aided post, then the appointment of the petitioner has to be considered as Assistant Teach on 100% grant-in-aid. This Court in writ Petition bearing No.1493/2018 with connected writ petitions decided on 04.07.2019 has observed that some of the Clauses of Circular dated 28.08.2016 do not apply.

4. In light of the above, impugned order passed by the Education Officer is modified to the extent that in case, the petitioner is transferred to the aided post on 100% grant-in-aid, then considering that the petitioner has rendered 7 years of service on unaided post, the Education Officer shall grant approval on 100% grant-in-aid. The same shall be done preferably within a period of four (04) months.

5. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE