

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
20 WRIT PETITION NO.10692 OF 2021

SHALUSING GIMLYA SHEVALE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Bharat Sahebrao Doifode, Advocate for the
Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

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

DATED : 27th SEPTEMBER, 2021.

PER COURT:-

1. The petitioner is appointed on unaided post as Assistant Teacher on 17.06.2013. The petitioner was transferred to the aided post on 01.08.2018. The transfer of the petitioner is approved, however in phase-wise grant-in-aid manner.

2. We have heard the learned counsel for the petitioner and learned A.G.P. for respondent nos.1, 2 and 3.

3. The issue is no longer *res integra* in view of the judgment and order dated 04.07.2019 in Writ Petition No.1493/2018 with other connected writ petitions. In the said judgment, we have held that some of the Clauses of the Circular dated 28.06.2016 are erroneous.

4. The appointment of the petitioner on unaided post is also approved. The petitioner has worked more than three years on unaided post before being transferred on aided post. In that event, if the petitioner is transferred on 100% grant-in-aid post, then the approval ought to have been granted on 100% grant-in-aid and not phase-wise manner.

5. In light of that, impugned order to the extent of granting approval in phase-wise manner is quashed and set aside.

6. In case, the petitioner is transferred on 100% grant-in-aid post after completing more than three years of service, then transfer ought to be on 100% grant-in-aid. The proposal shall be decided afresh in view of the aforesaid observations preferably within a period of four (04) months.

7. We have passed this order in view of the fact that, the transfer of the petitioner to the aided post is approved, meaning thereby that, Education Officer is convinced about the seniority, roster and qualification of the petitioner.

8. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE