

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

WRIT PETITION NO.11201 OF 2021

SHYAM BHANUDAS JOSHI

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Dhanaji S. Kudle, Advocate for the Petitioner.
Mr. K. N. Lokhande, AGP for Respondents-State.

...

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

DATED : 07th OCTOBER, 2021.

PER COURT:-

1. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is approved, but in phase-wise grant-in-aid manner relying upon the circular dated 28.06.2016.

2. We have in our 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.

3. The petitioner is appointed on unaided post on 25.01.2013. Thereafter, he is transferred to the aided post on 01.10.2018 after rendering the service of five years and more. The approval is granted by the Education Officer, but on 20% grant-in-aid.

4. If the petitioner is transferred on 100% grant-in-aid post after rendering more than five years service on unaided post, the petitioner ought to have been granted approval on 100% grant-in-aid.

5. In view of the above, the impugned order to the extent of granting approval in phase-wise grant-in-aid manner is set aside.

6. The Education Officer shall verify the length of the service of the petitioner on unaided post and if the petitioner has already rendered service as claimed on unaided post for more than five years and if he is transferred on 100% grant-in-aid post, then transfer ought to be on 100% grant-in-aid. The said exercise shall be done preferably within a period of four (04) months.

7. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE