

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

WRIT PETITION NO. 11312 OF 2021

Yogesh Murlidhar Chaudhari .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Sachin S. Deshmukh, Advocate for the Petitioner.
Shri S. B. Pulkundwar A.G.P. for the Respondent No. 1.
Shri Maheshkumar S. Sonawane, Advocate for the Respondent
No. 2.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.
DATE : 11TH OCTOBER, 2021.**

FINAL ORDER :

. Mr. Deshmukh, the learned advocate for the petitioner submits that, the petitioner was appointed on unaided post in the year 2010 as assistant teacher. The appointment of the petitioner on unaided post was approved by the Education Officer under order dated 30.08.2014. The petitioner was transferred on aided post on 01st February, 2017. The transfer of the petitioner on the aided post is also approved by the Education Officer, however, in a phase wise grant in aid manner. The learned counsel submits that, as the petitioner has rendered service of more than seven years on unaided post, the approval ought to have been granted to the transfer of the petitioner on 100% grant in aid post.

2. We have also heard the learned Assistant Government Pleader for the respondent No. 1 and Mr. Sonawane, the learned advocate for the respondent No. 2.

3. The issue is *no longer res-integra* in view of the judgment delivered by this Court under judgment and order dated 04th July, 2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions.

4. In the said judgment, this Court has held that some of the clauses of the circular dated 28.06.2016 are erroneous.

5. In case the petitioner is transferred to 100% grant in aid post and who has rendered seven years service, then approval ought to have been granted on 100% grant in aid post.

6. In the light of the above, the impugned order granting approval to the transfer of the petitioner on grant in aid post in phase wise manner is quashed and set aside. The Education Officer shall confirm that transfer of the petitioner is on 100% grant in post and if the petitioner is transferred on 100% grant in post, then approval shall be granted to the petitioner on 100% grant in aid post. Said exercise shall be done expeditiously and preferably within a period of four (04) months from today.

7. We have passed the aforesaid order as the Education Officer has granted approval to the transfer of the petitioner,

thereby the Education Officer has satisfied with the eligibility, qualification and seniority of the petitioner and also roster.

8. In the light of the above, the writ petition is disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct.21