

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

934 WRIT PETITION NO.1609 OF 2021

M. JAYSHREE BHALCHANDRA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

AND

957 WRIT PETITION NO.1632 OF 2021

SACHINKUMAR VIJAY MENKUDALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri V. H. Dighe
AGP for Respondent – State : Shri K. N. Lokhande
Advocate for Respondent No. 3 : Shri S. S. Wagh

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

DATE : 28th JANUARY, 2021

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PER COURT :

1. The proposal seeking approval to the transfer of the petitioners from unaided to aided is granted but on 20% grant-in-aid posts.
2. According to the learned counsel for the petitioners, the petitioners were transferred to the aided posts after serving more

than three years on the unaided post. The posts on which they were transferred to 100% grant-in-aid posts, as such they ought to have been granted approval on 100% grant-in-aid posts instead of 20% on grant-in-aid posts.

3. The learned AGP supports the order.

4. The approval has been granted by the Education Officer to the transfer of the petitioners from unaided to aided posts but on 20% of grant-in-aid posts.

5. In case the posts on which the petitioners are transferred to the aided posts are on 100% grant-in-aid then they ought to have been granted approval on 100% instead of 20% grant-in-aid, as the petitioners have completed more than five years on the unaided post. The Education Officer ought to have considered the judgment of this Court dated 4th July 2019 in Writ Petition No. 1493/2018 with connected Writ Petitions.

6. The impugned order is set aside to the extent of granting approval on 20% grant-in-aid. The Education Officer shall reconsider their proposal and if the posts on which the petitioners are

transferred are admissible for 100% grant-in-aid then the approval to that effect be granted. The same should be done within four months.

7. Writ Petitions are disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

shp/-