

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11965 OF 2021

DIPAVALI VINAYAK PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Vinod Prakash Patil
AGP for Respondents: Mr. S.P. Tiwari
...

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

DATE : 27th OCTOBER, 2021

PER COURT :-

The proposal seeking approval to the transfer of petitioners from unaided to aided is approved, however, in phase-wise grant-in-aid manner. Learned AGP accepts notice for all the respondents.

2. The approval is granted to transfer of the petitioners on the aided posts in phase-wise manner relying on the circular dated 28-06-2016. This Court in its Judgment and order dated 04-07-2019 in Writ Petition No. 1493 of 2018 with other connected matters observed that some of the clauses of the Circular dated 28-06-2016 are erroneous.

3. The petitioners were appointed on the unaided posts in the month of June 2012 and their services on unaided posts were approved. After rendering more than five years services, the petitioners were transferred to aided posts, after completing more than three years service and prior to amendment to Rule 41A of the Maharashtra Employees Private Schools (Conditions of Service) Regulation Act, 1977. In that event, if the petitioners are transferred on 100% grant-in-aid posts, then approval ought to have been granted on 100% grant-in-aid and not phase-wise manner.

4. In light of that, the Education Officer shall reconsider the proposal and if he is satisfied that the petitioners were transferred on 100% grant-in-aid posts, approval would be granted to the petitioners on 100% grant-in-aid from the date of transfer. The proposal shall be decided afresh, as expeditiously as possible, preferably within a period of four months.

5. We have passed this order in view of the fact that the transfer of the petitioners to the aided posts is approved, meaning thereby that Education Officer is convinced about the seniority, roster and qualifications of the petitioners.

6. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S.V. GANGAPURWALA)
JUDGE