

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

1130 WRIT PETITION NO.13015 OF 2021

AYESHA SIDDIQUA ABDUL FAHIM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner: Mr. Dhage Vivek J.
AGP for Respondents No. 1 to 3: Mr. S. G. Karlekar

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

DATE: 26th NOVEMBER, 2021

PER COURT:

1. The proposal seeking approval to the transfer of the Petitioner from unaided to aided is allowed, however, in a phase-wise grant-in-aid manner.

2. Heard the learned Counsel for the Petitioner and the learned A.G.P. for Respondents No. 1 to 3.

3. The Petitioner is appointed on unaided post as an Assistant Teacher on 16.08.2013. He is transferred to the aided post on or about 14.10.2020. The approval is granted to the transfer of the Petitioner on aided post but on

40% grant-in-aid. The same appears to have been granted on the basis of the Circular dated 28.06.2016. This Court under Judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected writ petitions observed that some of the clauses of the Circular dated 28.06.2016 are erroneous.

4. In case the Petitioner has rendered service for more than 3 years on unaided post then, in that case the said service has to be counted and if the transfer is on 100% grant-in-aid post then approval has to be granted on 100% grant-in-aid post.

5. The impugned order to the extent of granting approval in phase wise grant-in-aid manner is set aside. The Education Officer shall confirm for himself the transfer of the Petitioner on 100% grant-in-aid post and if he is satisfied that the transfer of the Petitioner is on 100% grant-in-aid post he shall approve the transfer of the

Petitioner to the aided post on 100% grant-in-aid post.

6. The said exercise shall be done preferably, within a period of four (04) months.

7. We have passed the aforesaid order as the Education Officer has granted approval to the transfer of the Petitioner, meaning thereby, he has confirmed seniority, roster, qualification of the Petitioner and all other aspects.

8. Writ Petition accordingly stands disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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