

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

924 WRIT PETITION NO.1284 OF 2022

JYOTI NIMBA SONAWNE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.Menezes Joslyn A.
AGP for Respondent-State : Mr.A.R.Kale

...
**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 17.02.2022

P.C. :

1] The proposal seeking approval to the transfer of the petitioner from unaided to aided post is processed, however, in phase-wise grant-in-aid manner.

2] Heard learned counsel for the petitioner and learned AGP for respondent nos.1 and 2.

3] The petitioner is appointed on the unaided post as an Assistant Teacher on 30th June, 2012. The appointment of the petitioner on the unaided post is approved by the Education Officer under order dated 24.12.2012. The petitioner is transferred to the aided post under order dated 31st May, 2017 with effect from 1st June, 2017. The approval is granted to the transfer of the

petitioner from unaided to aided post, however, in phase-wise grant-in-aid manner.

4] This Court in its Judgment dated 4th July, 2019 in Writ Petition No.1493 of 2018 with connected Writ Petition has held that if the petitioner has rendered service of three years and more on unaided post and if thereafter transferred on 100% grant-in-aid post, then the services of the petitioner are required to be approved on 100% grant-in-aid post.

5] In the light of that, the impugned order to the extent of granting approval in a phase-wise grant-in-aid manner is set aside.

6] The Education Officer shall verify the transfer of the petitioner on 100% grant-in-aid post and if he is satisfied that the transfer of the petitioner was on 100% grant-in-aid post, then he shall grant approval to the transfer of the petitioner on 100% grant-in-aid basis. The said exercise shall be done preferably within four [4] months.

7] We have passed the aforesaid order in view of the fact that approval has been granted by the Education Officer to the transfer of the petitioner from unaided to aided post, meaning thereby that the Education Officer was

convinced about the seniority, qualification and adherence to the roster.

8] The Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC