

The Division Bench of this Court at Aurangabad under its judgment dated 4th July 2019 in Writ Petition No. 1493 of 2018 and connected writ petitions has held that some of the clauses of Circular dated 28/06/2016 are erroneous and would not be operated.

5. It has been held that if the Assistant Teacher has rendered service of three years or more prior to the transfer on the aided post, his service shall be considered on the aided post on 100% grant in aid and the proposal has to be approved on 100% grant in aid post from the date of transfer. In the present matter, the petitioner has worked for twenty years on the unaided posts.

6. In light of that, the impugned order to the extent it states approval is subject to the Government Resolution dated 28/06/2016 is quashed and set aside.

7. The Education Officer shall reconsider the proposal and if he is convinced that the transfer of the petitioner from unaided post to aided post is on 100% grant-in-aid, then approval to the appointment on the 100% grant-in-aid post be granted from the date of approval i.e. 01/01/2020. The said exercise be done expeditiously preferably within four weeks.

8. The writ petition is disposed of. No costs.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)