

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 624 OF 2021

Mahesh Anandrao Mane and Anr.

...Petitioners

vs.

The State of Maharashtra
Through Secretary School
Education Dept. and Ors.

...Respondents

Mr. N. V. Bandiwadkar i/by Smt. Ashwini Bandiwadkar - Advocate for
the Petitioner

Mr. N. C. Walimbe – AGP for the Respondent Nos. 1 to 4.

**CORAM : S.V. GANGAPURWALA AND
 S. M. MODAK, JJ.**

DATE : 27th JUNE, 2022

P. C. :-

1. Learned counsel submits that the Petitioners is transferred to the aided post with effect from 01/02/2017. He was appointed on un-aided post as a Junior Clerk on 01/07/2013. The Education Officer has granted the approval to the transfer of the Petitioner to the aided post but on Honorarium.

2. We have heard the learned AGP

3. If the Petitioners are transferred to the aided post after rendering three years or more service on un-aided post, the Petitioner ought to have been granted approval as a Junior Clerk on the pay scale, of course if the

same was on 100% grant aided post.

4. In the result the impugned Order to the extent of granting approval on honorarium is quashed and set aside.

5. The Education Officer shall confirm the transfer of the Petitioner on 100% grant aided post after rendering three years of service, then approval shall be granted on a proper pay scale of the Junior Clerk from the date of transfer. The same shall be decided preferably within four months.

6. The Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]