

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

WRIT PETITION NO. 6399 OF 2022

Manasi Amol Patil and Anr.

...Petitioners

vs.

The State of Maharashtra
Through The Secretary School
Edu. Department and Anr.

...Respondents

Mr. N. V. Bandiwadekar i/by Adv. Vinayak R. Kumbhar - Advocate for the
Petitioners

Mr. Y. D. Patil - AGP for the Respondent-State

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

DATE : 13th JULY, 2022

P. C. :-

1. The Petitioner No. 1 is appointed as Assistant Teacher on unaided post on 13/06/2005. She is transferred to the aided post on 22/10/2019. It is contention of the Petitioner No. 1 that post on which the Petitioner is transferred is 100% aided post.

2. If the Petitioner is transferred to the aided post after rendering 14 years of service on the unaided post, then the approval has to be on 100% grant in aid. The reliance by the Education Officer on the Circular dated 28/06/2016 is erroneous as held by this Court in Writ Petition No. 1493 of 2018 under judgment dated 04/07/2019.

3. In light of that impugned Order to the extent of grant in approval in a phase wise grant in aid manner is quashed and set aside.
4. The Education Officer shall confirm for himself that the transfer of the Petitioner was on 100 % grant in aid post and if convinced that the transfer of the Petitioner was on 100% grain in aid post, then shall grant approval to the transfer of the Petitioner on 100% grant in aid post from the date of transfer to the aided post.
5. The said exercise shall be done preferably within four months.
6. Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]