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

WRIT PETITION NO.7714 OF 2022

Bindu Rajesh Gupta & Anr.

..... Petitioners

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. N. V. Bandiwadekar I/b. Sou. Ashwini Bandiwadekar for the
Petitioners

Mrs. P.J.Gavhane, AGP for the State

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

DATED : JULY 6, 2022

P.C.

1 We have heard the learned Counsel for the Petitioners and the
learned AGP for the Respondents.

2 Petitioner No.1 claims to have been appointed on 15th June
2012. The said appointment is approved by the Education Officer
under order dated 21st July 2012. It is submitted that thereafter the
Petitioner was transferred to 100% grant-in-aid post w.e.f. 15th
August 2015. Same was also approved by the Education Officer
under order dated 7th January 2017. The name of the Petitioner was
also included in the Shalarth ID under the order of the Dy. Director
of Education on 23rd May 2018. Under the impugned
communication, the Dy. Director of Education suggests that the

transfer of the Petitioner was not in consonance with the circular dated 28th June 2016. The Petitioner was transferred to the aided post prior to Circular dated 28th June 2016. Even otherwise, the Petitioner has worked for a period of three years on the unaided post before his transfer to the 100% grant-in-aid post. Same is also verified by the Dy. Director of Education at the relevant time and the Shalard ID was also issued.

3 This Court has held, in its judgment dated 4th July 2019 in Writ Petition No.1493 of 2018 with connected Writ Petitions that if a person has worked on unaided post for three years before his transfer to the aided post and thereafter transferred to 100% grant-in-aid post, then the approval is required to be granted on 100% grant-in-aid post.

4 In the present case, the Petitioner has worked for more than three years on unaided post before her transfer to the 100% grant-in-aid post.

5 In light of that, the impugned order dated 30th November 2021 is quashed and set aside.

6 The name of the Petitioner be restored within two months from today and after restoring the name of the Petitioner Shalard ID be issued to the Petitioner.

7 Upon restoration, all further consequences shall follow.

8 The Writ Petition is disposed of. No costs.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)