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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3834 OF 2021

Ananda Gundi Dange & Anr. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

Mr. N. V. Bandiwadekar with Mr. Vinayak Kumbhar I/b. Mr.
A. N. Bandiwadekar for the Petitioners
Mr. N. C. Walimbe, AGP for the Respondent State
Ms. Deepali Y. Deherkar for Respondent Nos.3 and 4

**CORAM: S.B.SHUKRE &
G.A.SANAP, JJ.**

DATED : MARCH 2, 2022

P.C.

1 Rule.

Rule is made returnable forthwith by consent of the
parties.

2 Heard learned Counsel for the Petitioners, learned
Counsel for the Respondents and learned AGP for the State.
Perused the Affidavit-in-Reply.

3 The facts established on record show that though the
appointment of Petitioner No.1 to aided post after his
transfer from unaided post was approved by Respondent
No.2, the direction was given for payment of salary to
Petitioner No.1 from out of grant in aids on a staggered basis

by relying upon sub clause (5) (b) of clause 3 of Government Resolution dated 28th June 2016. However, the provision made in sub-clause applies only where Government sanctions new posts and new appointments are made on the basis of such sanction in aided school and that those provisions do not have any application to grant of approval to the Assistant Teacher who has been appointed to aided post on his transfer from unaided post. This view is taken in ***Pramod Prabhakar Pokale Vs. State of Maharashtra and Ors. 2019(4) Mh.L.J. 278*** which has been followed in several other judgments including one rendered in ***Dr. Vijay Jayram Ghodvinde & Anr. Vs. The State of Maharashtra & Anr. in Writ Petition (ST) No.5518 of 2020.***

4 The Petition is allowed in terms of prayer clause (b).

5 It is further directed that the name of the Petitioner shall be included in Shalarth system and salary arrears shall be paid to him immediately thereafter, in accordance with law. Rule accordingly.

(G.A.SANAP, J.)

(S.B.SHUKRE, J.)