

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

WRIT PETITION NO. 8051 OF 2022

Smt. Shubhangi Vikram Pawar and Ors. ...Petitioners
vs.
The State of Maharashtra
Thr. Secretary School Education Dept.
and Ors. ...Respondents

Mr. Amit Gharate i/by Mr. Jayendra Khairnar - Advocate for the
Petitioners
Mrs. S. S. Bhende - AGP for the Respondent-State

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

DATE : 11th JULY, 2022

P. C. :-

1. The proposal seeking an approval to the transfer of the Petitioner No. 1 from unaided post to aided post is approved, but in a stage wise grant in aid manner.
2. We have heard the learned counsel for the Petitioners and learned AGP for the Respondent-State.
3. The Petitioner No. 1 claims to have been appointed on the unaided post on 15/06/2012. The approval is granted to the appointment of the Petitioner No. 1 on unaided post with effect from 13/12/2013. The Petitioner is transferred to the aided post on 01/11/2019.

4. The approval has been granted to the transfer of the Petitioner to the aided post but in phase wise grant in aid manner relying upon the circular dated 28/06/2016.

5. This Court under Judgment and Order dated 04/07/2019 in Writ Petition No. 1493 of 2018 and in connected writ petitions has observed that some of the clauses of the circular dated 28/06/2016 are erroneous and cannot be operative. It is further observed that in the said judgment that if the Assistant teacher has rendered for more than three years of service on the unaided post prior to his/her transfer to 100% grant in aid post, then the approval has to be granted to the 100 % grant in aid post

6. In light of above, the impugned order to the extent of grant in approval in a stage wise grant in aid manner is quashed and set aside.

7. The Education Officer shall satisfy himself that the transfer of the Petitioner was on 100% grant in aid post and if satisfied that the transfer of the Petitioner was on 100% grant in aid post, shall grant approval to the transfer of the Petitioner on 100% grant in aid post from the date of transfer to the aided post. The said exercise shall be done preferably within six months.

8. Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]