

4. It would appear that the petitioner was already working for more than 15 years as Headmaster and now is transferred on 100% grant-in-aid post.

5. In that event, if the petitioner who was earlier promoted as Headmaster and now is transferred to the 100% grant-in-aid post, the approval to the transfer of the petitioner on 100% grant-in-aid post shall be granted. It is not a case of direct recruitment so that Rule 41A of the Maharashtra Employees Of Private Schools Conditions Of Service Rules,1981 would be attracted.

6. In light of that, the impugned order to the extent of non-grant of approval to the transfer to the post of 100% grant-in-aid post is set aside. The Education Officer shall convince himself on the transfer of the petitioner on 100% grant-in-aid post and if he is convinced, the approval shall be granted to the transfer of the petition as Headmaster on 100% grant-in-aid post from the date of transfer. The same shall be done preferably within four weeks from today.

7. The writ petition is accordingly disposed of.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)

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