

Chitra Sonawane

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

WRIT PETITION NO. 1831 OF 2022

Somnath Shankar Jagdale

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr.N.V.Bandiwadekar i/b Ms Ashwinin Bandiwadekar, for Petitioner.
Mrs.SS Bhende, AGP for State.
Mr.V. S. Talkute for respondents.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 25th AUGUST, 2022.

P.C. :

1. The proposal seeking approval to the petitioner as Headmaster on 100% grant-in-aid post is not granted. It is submitted that the petitioner was working since the year 2008 on the earlier post as Assistant Teacher.
2. We have heard learned Counsel for the petitioner and the learned AGP
3. The petitioner claims to be working from 17/07/2008 on the unaided post as Assistant Teacher. The same is also approved. Thereafter,

the petitioner was promoted as Headmaster in the year 2013 on un-aided post. The same is also approved in the year 2013. The petitioner's post was of 40% grant-in-aid in the year 2021. Thereafter, the petitioner was transferred as Headmaster of another school receiving 100% grant-in-aid.

4. It would appear that the petitioner was already working for more than 7 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.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)