

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9978 OF 2022

Pandurang Dnyaneshwar Gawade ... Petitioner

Vs.

The State of Maharashtra, through Prin Secretary, ... Respondents
School Edu. and Sport Dept. & Ors.

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.08.30
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Mr. Subhash V. Gutte a/w Ms. Sayali S. Gutte for the Petitioner.

Mr. S.B. Kalel, AGP for the Respondent - State.

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

DATED : 25TH AUGUST 2022

PC. :

1. The proposal seeking approval to the transfer of the Petitioner from un-aided to aided is granted, however, in a phase-wise grant-in-aid manner.

2. Heard the learned counsel for the Petitioner and the learned AGP.

3. The Petitioner claims to have been appointed on un-aided post on 17th June 2013. The said appointment is approved. The Petitioner is transferred to grant-in-aid post on 2nd June 2019.

4. The phase-wise approval has been granted relying upon the Circular dated 28th June 2016.

5. This Court in its judgment and order dated 4th July 2019 in Writ Petition No. 1493 of 2018 with connected Writ Petitions has held that some of the clauses of the Circular dated 28th June 2016 are erroneous.

6. It has been held that if the Petitioner has rendered three years or more service on un-aided basis and thereafter transferred to the 100% grant-in-aid post, then the approval has to be on 100% grant-in-aid post.

7. In light of the above, the impugned order to the extent of granting approval in a phase-wise grant-in-aid manner is quashed and set aside.

8. The Education Officer shall confirm whether the transfer of the Petitioner was on 100% grant-in-aid post and if convinced with the transfer of the Petitioner, then shall approve the transfer of the Petitioner on 100% grant-in-aid post.

9. We have passed the aforesaid order in view of the premise that the Education Officer has approved the transfer of the Petitioner to the aided post, meaning thereby the Education Officer was convinced about the qualification possessed by the Petitioner, the roster and seniority. The same shall be considered and decided preferably within four months.

10. The Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J)

(S.V. GANGAPURWALA, J)