

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9509 OF 2023

Pradip s/o Ashokrao Patil

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through, Principal Secretary,
School Education and sports Department,
Mantralaya Mumbai- 32.
2. Director of Education (Secondary & Higher
Secondary, Education Directorate
Maharashtra State Pune.
3. Divisional Deputy Director of
Education, Nasik Division Nasik.
4. Education Officer (Secondary)
Zilha Parishad, Dhule.
5. Head Master,
Shri Vasantrao Patil, Secondary &
Higher Secondary School, Dangurne,
Tal. Shindhkeda, Dist. Dhule.

... **RESPONDENTS**

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Advocate for Petitioner : Mr. Patil (Borse) Paresh B.

Advocate for the respondent No.3 : Mrs. M.A. Deshpande

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, J.J.**

DATE : 03.08.2023

PER COURT :

Heard.

2. The petitioner is challenging the order passed by the respondent
No.4 – Education Officer (Secondary) dated 25.10.2018, whereby, he has

granted approval to his transfer from unaided division to aided division after having work for six years as an assistant teacher in the unaided division but only in a phase manner as indicated therein.

3. The issue is no more issue in view of the several decisions of this Court in the matter of **Arun s/o Anna Shinde Vs. The State of Maharashtra and Ors.**; Writ Petition No.1356/2021 and connected matters decided on 25.01.2021 and the subsequent orders.

4. Once having completed the requisite period of three years in an unaided division as Shikshan Sevak, whenever an incumbent is transferred to the aided division it has to be on 100% grant in aid basis. In view of such decision and the consistent view, the impugned order granting the approval only in a phase manner is not sustainable.

5. The writ petition is allowed. The impugned order is quashed and set aside. The matter is relegated back to the respondent No.4 who shall pass a fresh order in the light of the aforementioned decision as expeditiously as possible and in any case within six weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)