

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

937 WRIT PETITION NO.6386 OF 2023

**SANDIP RAMBHAU WALAVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

...

Advocate for Petitioners : Mr. Wakade Ramesh I. Pathan Azaroddin
Chandpasha

AGP for Respondents/State: Mrs. M. A. Deshpande

Advocate for Respondent No.4: Mr. V. B. Patil

...

943 WRIT PETITION NO.6395 OF 2023

**LATA NIVRUTTI RAHANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

...

Advocate for Petitioner : Mr. Wakade Ramesh I.
AGP for Respondents/State: Mrs. M. A. Deshpande

Advocate for Respondent No.4: Mr. V. B. Patil

...

946 WRIT PETITION NO.6398 OF 2023

**SATISH DNYANDEV WADEKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

...

Advocate for Petitioners : Mr. Wakade Ramesh I.

AGP for Respondents/State: Mr. A. A. Jagatkar

Advocate for Respondent No.4: Mr. V. B. Patil

...

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 16.06.2023

PER COURT :

. Heard the learned Advocate for the petitioner/s, learned AGP for the respondents/State and the learned Advocate Mr. Patil for respondent no.4/Management in all these petitions.

2. The petitioner/s who were appointed on unaided division and transferred to aided division after completion of more then five years are hoping to get approval for such transfer on 100% grant-in-aid basis.

3. By similar orders, different authorities / respondents have granted approval to such transfer, however, qualifying it that it would be only against 20% grant-in-aid and the remaining 80% of the salaries would be paid by the Management. The following chart would cull down the issue to the extent of facts:

Sr. No.	W. P. Nos.	Name and Qualification of Employees	Approval of “Assistant Teachers” on aided basis w.e.f	How many years worked on unaided basis	Transferred from unaided to 100% aided post w.e.f.	Approval has been granted “Assistant Teacher” on 20% Grant in-aid instead of 100% w.e.f.
1.	W. P. No. 6386/2023	Sandip Rambhau Walave (M.Sc., B.Ed)	Approval vide order dt. 10.11.2015 w.e.f. 18.06.2008	08 – Years 13 – Days	01.07.2016	Approval vide order dt. 10.12.2018 w.e.f. 01.07.2016
2.	W. P. No. 6395/2023	Lata Nivrutti Rahane (M.Sc., B. Ed)	Approval vide order dt. 10.11.2015 w.e.f. 24.07.2008	08 – Years 11 – Months 08 – Days	01.07.2017	Approval vide order dt. 10.12.2018 w.e.f. 01.07.2017
3.	W. P. No. 6398/2023	Satish Dnyandev Wadekar (M.A., B.Ed)	Approval vide order dt. 05.05.2016 w.e.f. 02.08.2010	05 - Years 10 – Months 30 – Days	01.07.2016	Approval vide order dt. 30.06.2018 w.e.f. 01.07.2016

4. The issue in fact is no more *res integra*. After putting in more than three years in unaided division, the petitioners have been transferred to the aided division receiving 100% grant. It has been held to be

unsustainable to grant approval only against 20% grant-in-aid. The issue has been dealt with by this Court in the matters of Satish Venkarrao Yelkar & Anr. Vs. The State of Maharashtra and Others in Writ Petition No.5657/2021 decided on 26/11/2021 and another group of matters in the case of Suvarnamala Prakash Dudhate Vs. State of Maharashtra and Others in Writ Petition No.2278/2021 decided on 04/02/2021. We follow the same course.

5. We quash and set aside the impugned order and relegate the matter to the respondents/authorities to reconsider the proposal seeking approval for transfer of the petitioners on its own merits in the light of the observations in Paragraph No.7 of the order in the matter of Suvarnamala Prakash Dudhate (*Supra*). The decision shall be taken as expeditiously as possible and in any event within six weeks.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

Sameer