

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION 1993 OF 2020

Petitioners : 1. Gramin Uddhar Society,
Through its President, Kamptee,
Tah. Kamptee, Dist. Nagpur.
2. Nutan Saraswati Vidyalaya and Jr. College,
Through its Head Mistress, Kamptee,
Tah. Kamptee, Dist. Nagpur.
3. Shri Prashant Uttamrao Ghode,
Aged about 39 years, Occ. Service,
R/o Kamptee, Tah. Kamptee, Dist. Nagpur.
– Versus –

Respondents : 1. State of Maharashtra, through its Secretary,
Department of School Education and Sports,
Mantralaya, Mumbai-32.
2. The Education Officer (Secondary),
Zilla Parishad, Nagpur.

Mr. Anand Parchure, Advocate for the Petitioners.
Mrs. K.S. Joshi, Additional Government Pleader for the Respondents.

CORAM: **ROHIT B. DEO AND M.W. CHANDWANI, JJ.**

DATE : **27th JULY, 2023.**

J U D G M E N T : *(Per Rohit B. Deo, J.)*

Rule. Rule made returnable forthwith. Heard finally by the consent of the learned Counsel for the parties.

02] The petitioners are challenging the decision dated 01/03/2019 of the Education Officer (Secondary), Zilla Parishad, Nagpur, to the extent the

approval is granted to the transfer of petitioner 3 from unaided section to aided section subject to condition that the transferred post shall be entitled to 20% grant. It is submitted that the admissible grant ought to be 100%, since petitioner 3 is transferred to the post in view of the vacancy which occurred due to the retirement of Mr. Gajendra C. Hinganghate and the post was receiving 100% grant.

03] Presumably, the decision is taken to restrict the admissible grant relying on the Government Resolution dated 28/06/2016, although there is no reference to the said Government Resolution in the decision impugned. The case of the respondents appears to be that petitioner 3 had then not completed five years of service in the unaided post, which he would have completed only on 03/03/2020.

04] In view of the rival contentions, it would be appropriate if the Management submits a fresh proposal to the Education Officer and fresh decision is taken giving due consideration to the completion of five years period on 03/03/2020. The decision shall be taken within 14 days from the receipt of fresh proposal from the Management.

05] The petition is disposed of in the aforestated terms.

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)