



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 WRIT PETITION NO. 5847 OF 2024

Deepmala Sambhaji Suryawanshi

VERSUS

The State Of Maharashtra Through Secretary And Others

...

Advocate for Petitioner : Mr. A.D. Pawar

AGP for Respondents : Mr. A.A.A. Khan

...

CORAM : S. G. CHAPALGAONKAR AND
NEERAJ P. DHOTE, JJ.

Dated : July 04, 2025

FINAL ORDER :-

1. Petitioner raises partial challenge to order dated 21.12.2020 regarding approval to her transfer from unaided to aided post w.e.f. 1.6.2020 with rider of releasing grant-in-aid in phased manner starting from 20% to 100% during the period of five years.

2. Mr. Pawar, learned advocate appearing for petitioner submits that petitioner was appointed as Assistant Teacher w.e.f. 1.7.2013 on unaided post in Raje Chhatrapati Sambhaji Vidyalaya, GTP Colony, Deopur, Dhule. Her appointment was made by following due process of law. She was possessing necessary qualification. Accordingly, respondent

no.2 granted approval to appointment on probation vide order dated 14.04.2016.

3. On 1.6.2020, since there was vacancy on aided post in school namely Jaihind High School and Junior College, Deopur, Dhule run by Respondent-Management, she has been transferred on said post w.e.f 1.6.2020. The proposal seeking approval to her transfer on aided post was submitted to respondent no.2 on 19.10.2020. However, Respondent no.2 approved proposal putting conditions that petitioner's post will receive grant-in-aid in phased manner i.e. for first year 20%, and which shall be gradually increased during next five years to make it 100%. Mr. Pawar, would submit that when petitioner was holding necessary qualification and she had put in more than 7 years service on approved unaided post by the date of her transfer, approval to her transfer on aided post ought to have been granted with 100% aid. There was no reason to restrict grant-in-aid in phased manner. In support of his contentions, Mr. Pawar relies upon observations of this Court in case of **Miss Devkar Deepali Kisan and ors. Vs. The State of Maharashtra in Writ Petition No.5313/2017 with companion matters, Suryakant s/o Janardhan Muge Vs. The**

State of Maharashtra in Writ Petition No.1493 of 2018

alongwith companion matters decided on 4.7.2019. This Court observed in the paragraph no.23 as under :-

“23. Upon confirming about the adherence to the seniority list that is those who are transferred to aided post are senior most amongst those working on unaided post and that the roster is maintained, so also their appointments are approved on unaided post, the Education Officer shall grant approvals to their appointments. If the assistant teachers who have been transferred from unaided to aided posts had not completed three years while working on unaided post, then they will be granted approvals as Shikshan Sevaks for a period they would complete three years from the date of their initial appointments and thereafter as assistant teachers. Of course, upon satisfying about the seniority and roster. However, the Education Officer shall not reject the proposal on the ground of circular dated 28.06.2016 and that there is availability of surplus teachers. The Education Officer will have to consider that services of these petitioners are approved on unaided posts.”

4. In light of the aforesaid observations once petitioner has rendered 7 years service on approved unaided post and thereafter transferred to 100% aided post, there was no reason to grant approval to release grants in phased manner. Hence, we deem it appropriate to quash and set aside the impugned order to the extent of releasing grants in phased manner and direct Education Officer to grant approval in

favour of the petitioner on 100% grant-in-aid basis from the date of her transfer/joining on aided post.

5. Writ Petition stands **disposed off** in above terms.

(NEERAJ P. DHOTE, J.)

(S. G. CHAPALGAONKAR, J.)

...

aaa-