

**WRIT PETITION NO. 14265 OF 2019**

Vaishali Balaji Padole and others .. Petitioners

## Versus

The State of Maharashtra and others .. Respondents

WITH  
WRIT PETITION NO. 14274 OF 2019

Kavita Bhagwanrao Kothalkar  
and others .. Petitioners

## Versus

The State of Maharashtra and others .. Respondents

Shri Ganesh A. Gadhe, Advocate for Petitioners in both matters.  
Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3 in  
both matters.

**CORAM : S. V. GANGAPURWALA AND  
AVINASH G. GHAROTE, JJ.**

**DATE : 26TH NOVEMBER, 2019.**

**FINAL ORDER :**

. The petitioners were appointed on unaided posts as assistant teachers on 14.02.2015. Their services on unaided posts as assistant teachers were approved. The petitioners on or about 01<sup>st</sup> March, 2019 were transferred to the aided posts. Under the impugned order the Education Officer has granted approval to the services of the petitioners on the aided post,

however, as Shikshan Sevaks and not as assistant teachers.

2. Mr. Gadhe, the learned counsel for petitioners relied on the judgment of the Division Bench of this Court in Writ Petition No. 1493 of 2018 with other connected matters dated 04<sup>th</sup> July, 2019 to submit that, clause of the Government Resolution dated 28.06.2016 has been interpreted by this Court and if for three years or more the assistant teachers have worked on unaided post, then their services are required to be approved as assistant teachers on aided posts.

3. We have also heard the learned Additional Government Pleader for respondent Nos. 1 to 3.

4. As the petitioners have already worked on the unaided posts for three years and more and their services were approved, however, while granting approval to the transfers of the petitioners from unaided to aided posts, the Education Officer was required to grant approval to them as assistant teachers and not as Shikshan Sevaks in the light of the judgment of this Court in Writ Petition No. 1493 of 2018 with other connected writ petitions dated 04.07.2019.

5. In view of the above, the impugned orders of the Education Officer are modified to the extent that the Education Officer shall grant approval to the transfers of the petitioners on aided posts as assistant teachers.

6. We have passed this order in view of the fact that, the Education Officer has approved transfers of the petitioners on aided posts meaning thereby he has considered all other aspects of the matter and those are satisfied.

7. In view of the above, the writ petitions are allowed in above terms. No costs.

**[AVINASH G. GHAROTE, J.]      [S. V. GANGAPURWALA, J.]**

*bsb/Nov. 19*