

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
(1) WRIT PETITION NO.15129 OF 2019

Sachin s/o Sambhaji Patil

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mrs.G.L.Deshpande, AGP for Respondents No.1 to 3.

WITH
(2) WRIT PETITION NO.15130 OF 2019

Amarsing s/o Kalyanrao Deshmukh

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.P.K.Lakhotiya, AGP for Respondents No.1 to 3.

WITH
(3) WRIT PETITION NO.15131 OF 2019

Dipak s/o Jibhau Patil

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mrs.A.V.Gondhalekar, AGP for Respondents No.1 to 3.

**WITH
(4) WRIT PETITION NO.15138 OF 2019**

Sachin s/o Subhashrao Ahirrao

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.V.M.Kagane, AGP for Respondents No.1 to 3.

**WITH
(5) WRIT PETITION NO.15163 OF 2019**

Umesh s/o Shivajirao Salunke

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mrs.A.V.Gondhalekar, AGP for Respondents No.1 to 3.

**WITH
(6) WRIT PETITION NO.15167 OF 2019**

Shaym s/o Yashvant Sonawane

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.S.B.Pulkundwar, AGP for Respondents No.1 to 3.

**WITH
(7) WRIT PETITION NO.15168 OF 2019**

Kalpana Santosh Bhoi

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.V.M.Kagane, AGP for Respondents No.1 to 3.

**WITH
(8) WRIT PETITION NO.15179 OF 2019**

Satilal s/o Kedar Dabhade & others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mrs.V.M.Kagane, AGP for Respondents No.1 to 3.

**WITH
(9) WRIT PETITION NO.15206 OF 2019**

Harpalsing s/o Devendrasing Patil

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.S.G.Karlekar, AGP for Respondents No.1 to 3.

**WITH
(10) WRIT PETITION NO.15212 OF 2019**

Sunita Pandharinath Patil

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.S.B.Narwade, AGP for Respondents No.1 to 3.

**WITH
(11) WRIT PETITION NO.15214 OF 2019**

Shaikh Ajj Shaikh Bashir Khatik

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.P.K.Lakhotiya, AGP for Respondents No.1 to 3.

**WITH
(12) WRIT PETITION NO.15235 OF 2019**

Rupali Lotan Patil

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mrs.S.B.Pulkundwar, AGP for Respondents No.1 to 3.

**WITH
(13) WRIT PETITION NO.15237 OF 2019**

Bhagavan s/o Abhiman Bagul

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.V.M.Kagane, AGP for Respondents No.1 to 3.

**WITH
(14) WRIT PETITION NO.15240 OF 2019**

Prashant s/o Tulshidas Pawar

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.S.B.Narwade, AGP for Respondents No.1 to 3.

**WITH
(15) WRIT PETITION NO.15248 OF 2019**

Shamkant s/o Laxman Suryawanshi

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.
Mr.S.B.Pulkundwar, AGP for Respondents No.1 to 3.

**WITH
(16) WRIT PETITION NO.15331 OF 2019**

Bhushan s/o Dinkar Patil

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.

Mrs.G.L.Deshpande, AGP for Respondents No.1 to 3.

**WITH
(17) WRIT PETITION NO.15332 OF 2019**

Rajesh s/o Laxman Salunkhe

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.

Mrs.A.V.Gondhalekar, AGP for Respondents No.1 to 3.

**WITH
(18) WRIT PETITION NO.15335 OF 2019**

Priyanka Anil Borase

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.R.I.Wakade, advocate for the petitioner.

Mr.S.B.Yawalkar, AGP for Respondents No.1 to 3.

**CORAM : S.V.GANGAPURWALA &
AVINASH G. GHAROTE, J J.
DATE : 17th December, 2019**

PER COURT:

1 The transfers of the petitioners from unaided posts to aided posts have been approved by the Education Officer, but the same have been approved as *Shikshan Sevak* from the date of transfers on aided posts.

2 The grievance of Mr.Wakade, the learned Counsel for petitioners, is that the services rendered on unaided posts are required to be considered by the Education Officer.

3 The learned AGP for Respondent-State relies on the Circular dated 28.06.2016 to contend that, approvals can only be granted as *Shikshan Sevaks* from the date of transfers on aided posts.

4 Said issue is no longer *res integra* in view of the judgment of this Court in Writ Petition No.1493 of 2018 with other connected writ petitions decided under order dated 04th July, 2019. It has been considered by us that the services rendered on unaided posts will have to be considered while granting approval. If the petitioners have rendered services on unaided posts before their transfers on aided posts, then the approvals have to be granted considering the services rendered on unaided posts.

5 In the present writ petitions, the petitioners are transferred on rendering two to three and half years' services on unaided posts. Naturally, they will have to complete three years and while computing period of three years as *Shikshan Sevaks*, service rendered on unaided posts will also have to be computed.

6 In the result, the impugned orders granting approval to the petitioners as *Shikshan Sevaks* from the date of their transfer to the aided posts are quashed and set aside to that extent only. The Education Officer, while granting approval to the petitioners as *Shikshan Sevaks* on the aided posts, shall consider the services rendered by the petitioners on the unaided posts. To illustrate, if the petitioners have rendered services on unaided post for two years and are transferred to aided posts, their services will be approved as *Shikshan Sevak* for one year from the date of transfer and thereafter as Assistant Teachers. The Education Officer shall consider all these proposals and give approvals, as directed above.

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

AVINASH G. GHAROTE
JUDGE

S.V.GANGAPURWALA
JUDGE

adb/