

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

**970 WRIT PETITION NO.414 OF 2020**

**RAHUL PRABHAKAR NIKAM AND OTHERS ..PETITIONERS**

**VERSUS**

**THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS**

...

Mr. Paresh B. Patil, Advocate for the Petitioners.

Mr. A. R. Kale, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &  
MANGESH S. PATIL, JJ.**

**DATED : 08<sup>th</sup> JANUARY, 2020.**

**PER COURT:-**

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

2. The grievance of Mr. Patil, 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 Government Pleader for respondents/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 04 th 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 post, then the approvals have to be granted considering the services rendered on unaided posts.

5. In the present case, petitioner nos.1 and 2 are transferred on rendering four years services on unaided posts and petitioner nos.3 and 4 more than two years on unaided posts. Naturally, they will have to complete three years and while computing the three years as Shikshan Sevaks, service rendered on unaided posts will also have to be computed.

6. In the result, the impugned orders granting approvals to the petitioners as Shikshan Sevaks from the date of transfers to the aided posts are quashed and set aside to that extent only. The Education Officer while granting the approvals to the petitioners as Shikshan Sevaks on the aided posts, shall consider the services rendered by the petitioners on 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 transfers and thereafter as a Assistant Teachers. The Education Officer shall consider all these proposals and give approvals as directed above.

7. In view of the above, the writ petition is partly allowed in above terms. No costs.

**(MANGESH S. PATIL)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**