

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

WRIT PETITION NO.4031 OF 2020

Swapnil s/o Aadhar Patil

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr R.I. Wakade, Advocate for petitioner

Ms R.P. Gaur, A.G.P. for respondents no.1 to 3

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 16th March 2020

ORAL ORDER :

1. The transfer of the petitioner from unaided post to aided post has been approved by the Education Officer, but the same has been approved as Shikshan Sevak from the date of transfer on aided post.
2. The grievance of Mr Wakade, learned Counsel for the petitioner is that the services rendered on unaided post are required to be considered by the Education Officer.
3. The learned A.G.P. for respondents no.1 to 3 relies on the Circular dated 28.6.2016 to contend that approval can only be granted as Shikshan Sevaks from the date of transfer on aided post.
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 4th 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 petitioner has rendered services on unaided post before his transfer on aided post, then the approval has to be granted considering the services rendered on unaided post.

5. In the present case, the petitioner is transferred on rendering almost one year service on unaided post. Naturally, he will have to complete three years and while computing the three years as Shikshan Sevak, service rendered on unaided post will have to be computed.

6. In the result, the impugned order granting approval to the petitioner as Shikshan Sevak from the date of transfer to the aided is quashed and set aside to that extent only. The Education Officer while granting the approval to the petitioner as Shikshan Sevak on the aided post, shall consider the services rendered by the petitioner on unaided post. To illustrate, if the petitioner has rendered services on unaided post for two years and is transferred to aided post, his services will be approved as Shikshan Sevak for one year from the date of transfer and thereafter as an Assistant Teacher. The Education Officer shall consider this proposal and give approval as directed above.

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

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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