

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

WRIT PETITION NO. 6510 OF 2020

Arvind Venkatrao Fulse and Another ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

....

Mr. V.D. Gunale, Advocate for petitioners

Mr. A.B. Chate, A.G.P. for respondent – State

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : 23rd SEPTEMBER, 2020

ORDER :

The petitioners were appointed on unaided post as Assistant Teachers on 26th April, 2016. Their services on unaided post as Assistant Teachers were approved. The petitioners on or about 04th February, 2020 were transferred to the aided post. Under the impugned order, the Education Officer has granted approval to the services of the petitioners on the aided posts, however, as *Shikshan Sevaks* and not as an Assistant Teachers.

2. Mr. Gunale, learned counsel for the petitioners relied on the judgment of Division Bench of this Court in Writ Petition No. 1493 of 2018 with connected matters, dated 04th July, 2019 to submit that, clause of the Government Resolution dated 28th June, 2016 has been interpreted by this

Court and if the Assistant Teacher has worked on unaided post for the period of three years or more, then his/her services are required to be approved as Assistant Teacher on aided post.

3. We have also heard learned A.G.P. for respondent - State.

4. As the petitioners have already worked on the unaided post for the period of three years and more and their services were approved, while granting approval to the transfer of the petitioners from unaided to aided post, 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 04th July, 2019.

5. In view of above, the impugned order of the Education Officer is modified to the extent that the Education Officer shall grant approval to the transfer of the petitioners on aided post as Assistant Teachers.

6. We have passed this order in view of the fact that the Education Officer has approved transfer of the petitioners on aided post meaning thereby he has considered all other aspects of the matter.

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

SSD (R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)