

1

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

WRIT PETITION NO. 6867 OF 2020

Sagar S/o Shravan Gosavi ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Ms. M.A. Deshpande, Addl. G.P. for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 6869 OF 2020**

Smt. Varsha Ashok Shirsath ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Mr. S.R. Yadav Lonikar, A.G.P. for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 6870 OF 2020**

Anjali Narendrakumar Borase Patil ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Ms. V.S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3.

2

**AND
WRIT PETITION NO. 6886 OF 2020**

Kishor S/o Prabhakar Kharkar ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ganesh Gadhe, Advocate for the Petitioner.
Mr. S.R. Yadav Lonikar, A.G.P. for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 6887 OF 2020**

Anjali D/o Ashok Rautwad ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ganesh Gadhe, Advocate for the Petitioner.
Ms. V.S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 6917 OF 2020**

Talekar S/o Amol Dadabhau ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Mr. S.R. Yadav Lonikar, A.G.P. for Respondent Nos. 1 to 3.

3

**AND
WRIT PETITION NO. 6918 OF 2020**

Vidya Sahebrao Patil ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Ms. V.S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 6919 OF 2020**

Mansi Pankaj Barhate ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Ms. M.A. Deshpande, Addl. G.P. for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 6920 OF 2020**

Sanket Laxmanrao More ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Mr. S.R. Yadav Lonikar, A.G.P. for Respondent Nos. 1 to 3.

4

AND
WRIT PETITION NO. 6921 OF 2020

Sunil S/o Subhash Sabale ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Ms. V.S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3.

AND
WRIT PETITION NO. 6922 OF 2020

Pradip S/o Dattu Barate ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Ms. M.A. Deshpande, Addl. G.P. for Respondent Nos. 1 to 3.

AND
WRIT PETITION NO. 6923 OF 2020

Smt. Mital Jagatsing Rajput ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Ramesh I. Wakade, Advocate for the Petitioner.
Mr. S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 3.

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

DATE : 14th OCTOBER, 2020

PER COURT:-

1. The transfers of the petitioners from unaided posts to aided posts have been approved by the Deputy Director of Education / Education Officer (Secondary), but the same have been approved as Shikshan Sevaks from the date of transfers on aided posts.
2. The grievance of Mr. Wakade and Mr. Gadhe, the learned counsel for petitioners is that, the services rendered on unaided posts are required to be considered by the Deputy Director of Education / Education Officer (Secondary).
3. The learned Additional 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 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 post, then the approvals have to be granted considering the services rendered on unaided posts.

5. In the present cases, the petitioners are transferred on rendering service on unaided posts for 1 to 4 years.

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 Deputy Director of Education / Education Officer (Secondary) 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 Deputy Director of Education / Education Officer (Secondary) shall consider all these proposals and give approvals as directed above.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE