

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

**WRIT PETITION NO. 1358 OF 2021**

Mohsin S/o Iqbal Shah  
and another

... Petitioners.

Versus

The State of Maharashtra  
and others

... Respondents.

....

Ms. A.N. Ansari, Advocate for the Petitioners.

Mr. R.V. Dhasalkar, A.G.P. for Respondent Nos.1 and 2.

....

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

**DATE : 25<sup>th</sup> JANUARY, 2021**

**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 Ms. Anari, the learned counsel for petitioners is that, the services rendered on unaided posts are required to be considered by the 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 some time.

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 (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 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

S.P. Rane