

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

929 WRIT PETITION NO.2535 OF 2021

**ROHINI RAVIKANT KHANDADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners: Mr. Rudrawar S. G.
AGP for Respondents/State: Mr. S. K. Tambe

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

DATE: 09th FEBRUARY, 2021

PER COURT:

1. The petitioners were appointed on unaided post as Assistant Teachers on 20.06.2017. Their services on unaided post as Assistant Teachers were approved. The petitioners on or about 02.04.2018 and 05.03.2020 were transferred to the aided post. Under the impugned orders, the Deputy Director of Education has granted approval to the services of the petitioners on the aided posts, however, as *Shikshan Sevak* and not as an Assistant Teachers.

2. Mr. Rudrawar, 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 04.07.2019 to submit that, clauses of the Government Resolution dated 28.06.2016 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 the learned A.G.P. for respondent – State.

4. As the petitioners have already worked on the unaided post for the period of 1 to 2 years and more and their services are approved, while granting approval to the transfer of the petitioners from unaided to aided post, the Deputy Director of Education was required to grant approval to them considering services rendered on unaided post in the light of the judgment of this Court in Writ Petition No. 1493 of 2018 with other connected writ petitions, dated 04.07.2019.

5. The impugned orders of the Deputy Director of Education is modified to the extent that the Deputy Director of Education shall grant approval to the transfer of the petitioners on aided post considering the period the petitioner had already served on unaided post. On completion of period of three years of services, the petitioners services shall be approved as Assistant Teachers. The petitioners, it appears, are appointed on 20.06.2017 and are transferred to the aided post on 02.04.2018 and 05.03.2020 after having worked for a period of about one year and two and half year respectively on unaided post prior to the transfer on the aided post. The petitioners services will have to be approved as Shikshan Sevaks for the remainder of the service to complete 3 years from initial date of appointment on unaided post and thereafter as Assistant Teachers.

6. We have passed this order in view of the fact that the Deputy Director of Education 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.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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