

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

WRIT PETITION NO. 2892 OF 2021

Mahesh Sheshrao Madke .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2893 OF 2021**

Vitthal Haribhau Jadhav .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2894 OF 2021**

Abhijit Shrihari Bobade .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sahebrao A. Nagarsoge, Advocate for the Petitioner in all matters.

Mrs. V. S. Choudhari, A.G.P. for Respondent Nos. 1 to 3 in all matters.

Shri P. D. Suryawanshi, Advocate for Respondent Nos. 4 and 5 in all matters.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 11TH FEBRUARY, 2021.**

FINAL ORDER :

. The learned counsel for petitioners submits that, the petitioners were appointed on unaided posts as Assistant Teachers. The petitioners were transferred to aided division by

the management. The learned counsel submits that, while granting approval to the transfers of the petitioners from unaided division to aided division, the past service rendered on unaided post is not counted.

2. The learned Assistant Government Pleader appears for respondent Nos. 1, 2 and 3. Mr. Suryawanshi, the learned counsel appears for respondent Nos. 4 and 5.

3. The Divisional Deputy Director of Education, it appears has relied upon the circular dated 28.06.2016 while passing the impugned order.

4. This Court under judgment and order dated 04th July, 2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions observed that some of the clauses of Circular dated 28.06.2016 do not apply.

5. The past service of the petitioners is required to be counted while considering the transfer from unaided division to aided division.

6. To illustrate, if the petitioners have rendered two years service on unaided division, and thereafter transferred to aided division, then while granting approval to the transfer of the petitioners on aided division, the Education Officer shall approve the service as a

Shikshan Sevak for one year.

7. In the light of the above, the impugned orders to the extent of granting approval to the transfers of the petitioners from unaided to aided division as Shikshan Sevak from the date of their appointment on aided division is quashed and set aside.

8. The respondents shall consider the cases of the petitioners for transfer considering the service rendered by the petitioners on unaided posts. The past service of the petitioners shall be calculated while approving appointment of the petitioners on aided posts as Shikshan Sevak. The same shall be done expeditiously and preferably within a period of three (03) months from today.

9. The writ petition accordingly is disposed of. No costs.

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

bsb/Feb. 21