

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

WRIT PETITION NO. 3889 OF 2021

Sweeta Vinayak Pawar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri V. S. Panpatte, Advocate for the Petitioner.
Mrs. P. V. Diggikar, A.G.P. for THE Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 02ND MARCH, 2021.**

FINAL ORDER :

. The petitioner was appointed on unaided post as Assistant Teacher on 07.10.2013. Her services on unaided post as Assistant Teacher were approved. The petitioner on or about 02.04.2018 was transferred to the aided post. Under the impugned order, the Education Officer has granted approval to the services of the petitioner on the aided posts, however, as Shikshan Sevak and not as an Assistant Teacher.

2. Mr. Panpatte, learned counsel for the petitioner 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 petitioner has already worked on the unaided post for the period of three years and more and her services were approved, while granting approval to the transfer of the petitioner from unaided to aided post, the Education Officer was required to grant approval to her as Assistant Teacher and not as Shikshan Sevak 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 petitioner on aided post as Assistant Teacher.

6. We have passed this order in view of the fact that the Education Officer has approved transfer of the petitioner 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.]
bsb/March 21