

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

981 WRIT PETITION NO.5688 OF 2021

**VIRENDRASING SUVARNSING RAJPUT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Petitioners:
Mr. Patil (Borse) Paresh B.
AGP for Respondents/State: Mrs. V. N. Patil Jadhav**

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

DATE: 01st APRIL, 2021

PER COURT:

1. It is submitted that petitioner no.1 is transferred to the aided post after working for 15 months and the petitioner no. 2 is transferred on the post after working for more than 4 years on the unaided post. However, the petitioners are granted approval as Shikshan Sevaks from the date of their transfer.

2. We have heard the learned A.G.P.

3. It appears that the transfer of the petitioners from unaided to aided posts is approved. However the approval is granted as Shikshan Sevaks from the date of transfer. The same is illegal. The services rendered on unaided posts will have to be considered.

4. In light of above, the impugned orders granting approval to the petitioners as Shikshan Sevaks from the date of transfer to the aided posts are quashed and set aside to that extent only. The Education Officer while granting the approval 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 posts for two years and are transferred to aided posts, their services will be approved as Shikshan Sevaks for one year from the date of transfer and thereafter as an Assistant Teachers. The Education Officer shall consider this proposal and give approval as directed above. The Education Officer shall pass orders preferably within a period of four (04) months.

5. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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