

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

968 WRIT PETITION NO.7139 OF 2021

KUNAL RAMCHANDRA JADHAV

.. Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.. Respondents

...

Advocate for the Petitioner : Mr P.B. Patil (Borse)

AGP for the Respondents/ State : Mr A.R. Kale

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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 30-06-2021

PER COURT : -

1. The petitioner was appointed on unaided post on 15-06-2018. His appointment was approved on unaided post. The petitioner was transferred to the aided post on 30-11-2020. The petitioner's proposal for approval to the transfer on aided post is approved, however, as the Shikshan Sevak from 01-12-2020 relying on Circular dated 28-06-2016.

2. The services rendered on unaided post has to be considered. The said issue is no longer *res integra* in view of the judgment of this Court dated 04-07-2019 in Writ Petition No.1493 of 2018 with connected writ petitions.

3. In the present case, the petitioner is transferred on rendering almost 2 ½ years of service on unaided post. Naturally, he will have to complete three years and while computing the three years as Shikshan Sevak, service rendered on unaided post will have to be computed.

4. In the result, the impugned order granting approval to the petitioner as Shikshan Sevak from the date of transfer to the aided post is quashed and set aside to that extent only. The Education Officer while granting approval to the petitioner as a Shikshan Sevak on the aided post shall consider the services rendered by the petitioner on unaided post. In the present case, the petitioner will have to be approved as Shikshan Sevak for a period of at least 6 months because the petitioner completed only 2 ½ years on unaided post and after working for 6 months as a Shikshan Sevak on unaided post, his services will be approved as an Assistant Teacher.

5. The Education Officer shall consider the said proposal of the petitioner as per the aforesaid direction, preferably within four months.

6. Writ petition is disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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