

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

128 WRIT PETITION NO.8237 OF 2021

SONALI GULABRAO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners: Mr. Panpatte V. S.
AGP for Respondents No. 1&2: Mrs. G. L. Deshpande

...

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

DATE: 14th SEPTEMBER, 2021

PER COURT:

1. Mr. Panpatte, learned Advocate for the petitioners has placed on record the Chart showing the date of appointment of the petitioners on unaided posts, the date of approval to the appointment on unaided posts, the date of transfer to the aided posts. The same is reproduced below-

W.P. No.	Name of Petitioner(s)	Date of Appointment w.e.f.	Date of Approval	Date of Transfer w.e.f.	Name of the Authority granted approval to transfer	petitioner(s) is relied upon the judgment and orders
8237/2021	1. Sonali d/o Gulabrao Patil 2. Abhiman s/o Ramesh Patil 3. Varsha d/o Jayant Mahajan	15.06.2012 15.06.2013 15.06.2013 (P.NO. 30 to 32)	16.08.2014 16.08.2014 27.12.2013 (P.No. 36 to 38)	01.11.2014 16.06.2014 01.07.2015 (P. No. 42 to 44)	26.07.2018 (P. No. 51, 53 & 55) Education Officer (Sec.) (on Honorarium of Rs. 8,000/-)	1) WP No. 7011/16 (1 to 3) 2) WP No. 5258/12 (4 to 6) 3) WP 2960/2012 (07 to 11) 4) WP 11065/2014 (12 to 18)

2. According to the learned Advocate for the petitioners, the petitioners are transferred prior

to the Circular dated 28.06.2016. In view of that, it is not necessary for the petitioners to complete 3 years on unaided posts so as to be granted approval as an Assistant Teachers on aided posts. The learned Advocate submits that various orders are passed by this Court granting the approval as Assistant Teachers upon being transferred from unaided to aided posts irrespective of number of years they have put in on unaided posts.

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

4. The approval has been granted to the petitioners upon their transfer to the aided posts from unaided posts, however, as *Shikshan Sevaks* from the date of the transfer.

5. We have under Judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with connected writ petitions observed that upon completion of 3 years on unaided posts the employees are required to be approved as Assistant Teachers on 100% grant-in-aid, if they are transferred on 100% grant-in-aid posts.

6. In light of the above, the impugned orders to the extent of granting approval as *Shikshan Sevaks* from the date of their transfer to the aided posts are set aside. The respondent shall grant approval

to the transfer of the petitioners on aided posts considering the services rendered by the petitioners on their unaided posts. For illustration, if the petitioner completes 2 years of service on the unaided post, then he / she would be granted approval as *Shikshan Sevak* on aided post for a period of 1 year and thereafter as Assistant Teacher.

7. The Education Officer shall reconsider the same and pass appropriate orders preferably within a period of four (04) months.

8. Writ Petition accordingly stands disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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