

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 WRIT PETITION NO.7421 OF 2021

KALPANA MADHAVRAO KANDHARKAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

Mr. Madhukar M. Parghane, Advocate for the
Petitioner.

Mrs. M. A. Deshpande, AGP for Respondents-State.

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

DATED : 07th JULY, 2021.

PER COURT:-

1. The petitioner was appointed on unaided post as assistant teacher on 15.06.2017. His service on unaided post as assistant teacher was approved. The petitioner on or about 03.08.2020 was transferred to the aided post. Under the impugned order the Education Officer has granted approval to the service of the petitioner on the aided post, however, as Shikshan Sevak and not as assistant teacher.

2. Mr. Parghane, the learned counsel for petitioner relied on the judgment of the Division Bench of this Court in Writ Petition No.1493 of 2018 with other connected matters dated 04th July, 2019 to submit that, clause of the Government Resolution dated 28.06.2016 has been interpreted by this Court and if for three years or more the assistant teachers have worked on unaided post, then their services are required to be approved as assistant teachers on aided posts.

3. We have also heard the learned Additional Government Pleader for respondent Nos. 1 to 3.

4. As the petitioner has already worked on the unaided post for three years and more and his service was approved, however, 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 petition dated 04.07.2019.

5. In view of the 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 and those are satisfied.

7. In view of the above, the writ petition is allowed in above terms. No costs.

(R. N. LADDHA)
JUDGE

Devendra/July-2021

(S. V. GANGAPURWALA)
JUDGE