

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

922 WRIT PETITION NO.9116 OF 2021

YUVRAJ BHISHMACHARY SHINDE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. N. L. Jadhav, h/f Mr. V. S. Panpatte.

AGP for Respondent/State: Mr. P. K. Lakhotiya.

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

DATE : 21st August, 2021.

P.C.:

. The proposals seeking approval to the transfer of the petitioner from unaided to aided is approved. However, as Shikshan Sevak for three years.

2 We have heard Mr. Jadhav, learned counsel for petitioner and the learned AGP.

3 Learned AGP accepts notice for respondent Nos.1 and 2.

4 The petitioner, it appears, is appointed on unaided post as an assistant teacher on 1st July, 2016. The appointment of the petitioner on unaided post is approved under the order dated 20th December, 2016 by the Deputy Director of Education.

5 The petitioner is transferred to the aided post on 1st January, 2019. The order granting approval is as Shikshan Sevak for three years.

6 The said order is passed purportedly on the basis of circular dated 28th June, 2016.

7 This Court in its judgment and order dated 4th July, 2019 in Writ Petition No.1493 of 2018 with connected writ petitions, observed that some of the clauses of the circular dated 28th June, 2016 are erroneous.

8 The petitioner certainly will have to work for three years on unaided post before being considered as assistant teacher on the aided post. In the present case, the petitioner has not worked for three years on the unaided post. The petitioner has worked on unaided post for about 2 and ½ years. So, for 6/7 months, the petitioner will have to be treated as Shikshan Sevak on aided post.

9 The Education Officer has to consider the services rendered on unaided post and if the services on unaided post is less than three years, then for the remainder period of three years after transfer to the aided post he will work as a Shikshan Sevak and

thereafter, if the transfer is on 100% grant-in-aid post, the approval shall be granted on 100% grant-in-aid after completion of three years.

10 In light of the above, the impugned order to the extent of granting approval as a Shikshan Sevak for three years is set aside.

11 The Education Officer shall decide the said proposal with regard to the period of Shikshan Sevak afresh in light of the observations made above.

12 The same shall be decided preferably within four months.

13 The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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