

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
922 WRIT PETITION NO.1474 OF 2021**

MANOJKUMAR MADHUKAR MORE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. D. Gunale, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

...

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

DATED : 27th JANUARY, 2021.

PER COURT:-

1. The petitioner was appointed on unaided post as Assistant Teacher on 01st August, 2015. His services on unaided post as Assistant Teacher was approved. The petitioner on or about 02nd March, 2020 was transferred to the aided post. Under the impugned order, the Education Officer has granted approval to the services of the petitioner on the aided post, however, as Shikshan Sevaks and not as an Assistant Teacher.

2. Mr. Gunale, learned counsel for the petitioner relied on the judgment of Division Bench of this Court in Writ Petition No. 1493 of 2018 with connected matters, dated 04th July, 2019 to submit that, clause of the Government Resolution dated 28th June, 2016 has been interpreted by this Court and if the Assistant Teacher has worked on unaided post for the period of three years or more, then his/her services are required to be approved as Assistant Teacher on aided post.

3. We have also heard learned A.G.P. for respondent – State.

4. As the petitioner has already worked on the unaided post for the period of three years and more and his services was approved, while granting approval to the transfer of the petitioner from unaided to aided post, the Education Officer was required to grant approval to them 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 petitions, dated 04th July, 2019.

5. In view of 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.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/January-2021