

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

**53 WRIT PETITION NO.8567 OF 2021**

SATISH DATTATRAYA DHONDGE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mr. Kalyan V. Patil  
AGP for Respondents-State : Mr. S. B. Pulkundwar

...  
**AND**  
**66 WRIT PETITION NO.8580 OF 2021**

SUBHASH VITHALRAO WAGHMARE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mr. Kalyan V. Patil  
AGP for Respondents-State : Mr. S. B. Pulkundwar

...  
**AND**  
**107 WRIT PETITION NO.8621 OF 2021**

SHAIKHNABI MUSTAFA JABBAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mr. Kalyan V. Patil  
AGP for Respondents-State : Mr. S. K. Tambe

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

**DATE : 09<sup>th</sup> AUGUST, 2021**

**PER COURT :-**

1. The transfers of the petitioners from unaided posts to aided posts have been approved by the Deputy Director of Education / Education Officer (Secondary), but the same have been approved as Shikshan Sevaks from the date of transfers on aided posts.

2. The grievance of Mr. Wakade, the learned counsel for petitioners is that, the services rendered on unaided posts are required to be considered by the Deputy Director of Education / Education Officer (Secondary). The chart giving the details in respect of name of petitioners, date of appointment order, approval order on aided basis, transfer from unaided to aided post, total service on unaided basis, etc., is as under -

| No. | Name of Petitioners / Employees | Date of Appointment order                                | Date of approval order on unaided basis                                                            | Transfer from unaided to aided            | Total Service on unaided basis | Date of 20% Approval granted by                                              |
|-----|---------------------------------|----------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------|------------------------------------------------------------------------------|
| 1   | Satish Dattatraya Dhongde       | 12-08-2003 1 <sup>st</sup><br>15-08-2005 2 <sup>nd</sup> | 08-07-2008<br>wef 2004-05<br>20.06.2011<br>wef 2006-07                                             | 02.07.2019<br>from<br>unaided to<br>aided | 16 years                       | 26-02-2020 wef<br>03-07-2019<br>by Deputy<br>Director of<br>Education, Latur |
| 2   | Subhash Vitthalrao Waghmare     | 12-08-2003 1 <sup>st</sup><br>15-08-2008 2 <sup>nd</sup> | 15.07.2008<br>1 <sup>st</sup> wef<br>15.06.2004<br>03-07-2015<br>2 <sup>nd</sup> wef<br>16-06-2017 | 01-03-2019<br>from<br>unaided to<br>aided | 16 years                       | 26-02-2020 wef<br>03-07-2019<br>by Deputy<br>Director of<br>Education, Latur |
| 3   | Shaikh Nabimustafa Jabbar       | 12-06-2006 1 <sup>st</sup><br>14-06-2008 2 <sup>nd</sup> | 07-03-2012<br>1 <sup>st</sup> wef<br>01-07-2006<br>09-07-2017<br>2 <sup>nd</sup> wef<br>01-07-2018 | 02-07-2019<br>from<br>unaided to<br>aided | 13 years                       | 26-02-2020 wef<br>03-07-2019<br>by Deputy<br>Director of<br>Education, Latur |

3. The learned Additional Government Pleader for respondents-State relies on the circular dated 28-06-2016 to contend that, approvals can only be granted as Shikshan Sevaks from the date of transfers on aided posts.

4. Said issue is no longer *res-integra* in view of the Judgment of this Court, in Writ Petition No. 1493 of 2018 with other connected writ petitions decided under order dated 04<sup>th</sup> July, 2019. It has been considered by us that the services rendered on unaided posts will have to be considered while granting approval. If the petitioners have rendered services on unaided posts before their transfers on aided post, then the approvals have to be granted considering the services rendered on unaided posts.

5. In the present cases, the petitioners are transferred on rendering service on unaided posts for more than 13 years.

6. In the result, the impugned orders granting approvals to the petitioners as Shikshan Sevaks from the date of transfers to the aided posts are quashed and set aside to that extent only. The Deputy Director of Education / Education Officer (Secondary) while granting the approvals to the petitioners as Shikshan Sevaks on the aided posts, shall consider the services rendered by the petitioners on unaided posts. To illustrate, if, the petitioners have rendered services on unaided post for two years and are transferred to aided posts, their services will be approved as Shikshan Sevak for one year from the date of transfers and thereafter as a Assistant Teacher. The Deputy Director of Education / Education Officer (Secondary) shall consider all these proposals and give approvals as directed above.

7. In view of the above, the writ petitions are partly allowed in above terms and disposed of. No costs.

**( R. N. LADDHA )**  
**JUDGE**

**( S.V. GANGAPURWALA )**  
**JUDGE**

rrd