

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

1015 WRIT PETITION NO.10122 OF 2021

PANKAJ RAMESH AWSARMAL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioner : Mr. V.S. Panpatte
AGP for Respondents 1 & 2 : Mr. PK. Lakhotiya
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 23/11/2021.

PER COURT :

1. The petitioner is appointed on unaided post on 25.04.2017. The appointment of the petitioner on unaided post is approved under order dated 20.11.2017. The petitioner is transferred to the aided post on 5.6.2020. The petitioner has worked on unaided post for more than 3 years.

2. Mr. Panpatte, 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 AGP 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 were approved, while granting approval to the transfer of the petitioner from unaided to aided post, the Deputy Director of Education was required to grant approval to him 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. The Deputy Director of Education shall confirm that if the transfer of the petitioner is on 100% grant-in-aid post and if he is convinced that the post is 100% grant-in-aid post, then he shall grant approval to the transfer of the petitioner on 100% grant-in-aid post as Assistant Teacher from the date of his transfer.

6. We have passed this order in view of the fact that the Deputy Director of Education has approved transfer of the petitioner

on aided post meaning thereby he has considered all other aspects of the matter.

7. The said exercise shall be done preferably within four months. Writ Petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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