

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

WRIT PETITION NO. 9700 OF 2021

Vijaya Vasant Rao Desale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. S. Panpatte, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

AND

WRIT PETITION NO. 9703 OF 2021

Dnyanraj Shivajirao Kadam
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri V. S. Panpatte, Advocate for Petitioners.
Shri A. R. Kale, A.G.P. for Respondent Nos. 1 and 2.

AND

WRIT PETITION NO. 9705 OF 2021

Balaji Shivaji Poradwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. S. Panpatte, Advocate for the Petitioner.
Mrs. Vaishali N. Jadhav-Patil, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 02ND SEPTEMBER, 2021.

FINAL ORDER :

. Heard the learned counsel for petitioners and the learned Assistant Government Pleaders for respondents/State in respective writ petitions.

2. The petitioners are transferred from unaided to aided posts. Approvals are also granted to their transfers to aided posts, but as Shikshan Sevak and on phase wise grant in aid manner. The transfers of petitioners in Writ Petition No. 9700 of 2021 and Writ Petition No. 9505 of 2021 are approved as Shikshan Sevaks and the transfers of petitioners in Writ Petition No. 9703 of 2021 are approved as Assistant Teachers in phase wise grant in aid manner. The chart showing date of appointment of the petitioners, date of approval and date of transfer is thus :

Sr. No.	Writ Petition No.	Name of Petitioner	Date of Appointment	Date of Approval	Date of Transfer	Approval granted as
01.	9700 of 2021	Vijaya D/o Vasantrao Desale	01.07.12	21.04.17	15.06.17	Shikshan Sevak
02.	9703 of 2021	Dnyanraj Shivajirao Kadam and Prakash Sakharam Khandare	01.07.13 01.07.13	29.03.14 19.10.13	20.07.19 20.07.19	Assistant Teacher in Phase wise manner

03.	9705 of	Balaji Shivaji Poradwar	15.07.13	09.01.14 & 15.12.16	02.04.18	Shikshan Sevak
-----	---------	-------------------------------	----------	---------------------------	----------	-------------------

2. The petitioners in all these matters have worked approximately for five years or so before their transfers to aided posts. In such a case, as the petitioners have already worked for five years or more before their transfers on aided posts, approval to their transfer has to be as Assistant Teachers on 100% grant in aid post if their transfer is on 100% grant in aid post and not as Shikshan Sevaks or in phase wise grant in aid manner. Reference can be had to the judgment of this Court dated 04th July, 2019 in Writ Petition No. 1493 of 2018. In the said judgment, it has been held that some of the clauses of the circular dated 28.06.2016 are erroneous.

3. In the light of the above, the impugned orders granting approval to the transfers of the petitioners as Shikshan Sevak and/or in phase wise grant in aid manner are set aside. The authorities shall reconsider the proposals and if it is satisfied that the transfers of the petitioners are on 100% grant in aid posts, may grant approvals as Assistant Teacher on 100% grant in aid posts. We have passed the above order as the authorities have granted approvals to the transfers of the petitioners. So the authority is satisfied about the qualification, seniority, roster and eligibility of the petitioners. Said exercise shall be done expeditiously and preferably within a period of four (04) months from today.

4. In the light of the above, the writ petitions are disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 21