

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

WRIT PETITION NO. 138 OF 2021

Nikhilkumar s/o Baburao Ghodke .. Petitioner

Versus

The State of Maharashtra and ors. .. Respondents

Mr Sanjay Kolhare, Advocate for petitioner
Mrs M.A. Deshpande, Addl.G.P. for respondents no.1 and 2

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

DATE : 7th January 2021

PER COURT :

1. The transfer of the petitioner from unaided post to aided post has been approved by the Deputy Director of Education / Education Officer (Secondary), but the same has been approved as Shikshan Sevak from the date of transfer on aided post.
2. The grievance of Mr. Kolhare, the learned counsel for petitioner is that, the services rendered by the petitioner on unaided post are required to be considered by the Deputy Director of Education / Education Officer (Secondary).
3. The learned Additional Government Pleader for respondents no.1 and 2 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 04th 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 petitioner has rendered services on unaided post before his transfer on aided post, then the approval has to be granted considering the services rendered on unaided post.

5. In the present cases, the petitioner is transferred on rendering service on unaided post for 2 and 1/2 years.

6. In the result, the impugned order granting approval to the petitioner as Shikshan Sevak from the date of transfer to the aided post is quashed and set aside to that extent only. The Deputy Director of Education / Education Officer (Secondary) while granting the approval to the petitioner as Shikshan Sevak on the aided post, shall consider the services rendered by the petitioner on unaided post. To illustrate, if, the petitioner has rendered services on unaided post for two years and is transferred to aided post, his services will be approved as Shikshan Sevak for one year from the date of transfer and thereafter as a Assistant Teacher. The Deputy Director of Education / Education Officer (Secondary) shall consider the proposal and give approval as directed above.

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

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)