

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

985 WRIT PETITION NO. 1247 OF 2021

Jyoti Madhavrao Gaikwad and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. S. R. Choukidar, Advocate h/f Mr. V. S. Panpatte, Advocate for the
Petitioners.

Mr. K. S. Hoke-Patil, AGP for Respondents-State.

992 WRIT PETITION NO. 1256 OF 2021

Smt. Nilima Arvind Patil .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. S. R. Choukidar, Advocate h/f Mr. V. S. Panpatte, Advocate for the
Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

1003 WRIT PETITION NO. 1271 OF 2021

Atul Ramrao Patil .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. S. R. Choukidar, Advocate h/f Mr. V. S. Panpatte, Advocate for the
Petitioner.

Mr. R. V. Dhasalkar, AGP for Respondents-State.

1009 WRIT PETITION NO. 1281 OF 2021

Pradeepkumar Vishambhar Dongarkadekar
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. S. R. Choukidar, Advocate h/f Mr. V. S. Panpatte, Advocate for the Petitioners.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

1013 WRIT PETITION NO. 1285 OF 2021

Pramod Vijay Patil and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. R. Choukidar, Advocate h/f Mr. V. S. Panpatte, Advocate for the Petitioners.

Mr. P. S. Patil, Addl. G. P. for Respondents-State.

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

DATED : 22nd JANUARY, 2021.

PER COURT:-

. 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. Choukidar, 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).

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 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 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 six months to four 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 Teachers. 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. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.