

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1219 OF 2021

Harish S/o. Rajendra Somvanshi and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr P.B. Patil (Borse), Advocate for Petitioners
Mrs P.V. Diggikar, A.G.P. for Respondent-State

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

DATE : 21st JANUARY, 2021

PER COURT :

1. The transfer of the petitioners from unaided post to aided post have been approved by the Education Officer, but the same has not been approved as Shikshan Sevak from the date of transfer on aided post.
2. The grievance of Mr Patil, learned counsel for the petitioners is that the services rendered on unaided posts are required to be considered by the Education Officer.
3. The learned A.G.P. for respondent Nos. 1 to 3 relies on the Circular dated 28.06.2016 to contend that approval can only be granted as Shikshan Sevaks from the date of transfer on aided post.
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 4th 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 post before their transfer on unaided post, then the approval has to be granted considering the services rendered on unaided posts.

5. In the present case, the petitioners are transferred on rendering almost one year service on unaided post. Naturally, they will have to complete three years and while computing the three years as Shikshan Sevak, service rendered on unaided post will have to be computed.

6. In the result, the impugned order granting approval to the petitioners as Shikshan Sevak from the date of transfer to the aided is quashed and set aside to that extent only. The Education Officer while granting the approval to the petitioners as Shikshan Sevak on the aided post, shall consider the services rendered by the petitioners on unaided post. To illustrate, if the petitioners have rendered services on aided post for two years and are transferred to aided post, their services will be approved as Shikshan Sevak for one year from the date of transfer and thereafter as an Assistant Teachers. The Education Officer shall consider this 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.]