

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

WRIT PETITION NO. 692 OF 2021

Shaikh Shagufta Bashir

... Petitioner.

Versus

The State of Maharashtra
and another

... Respondents.

....

Mr. Sayed Azizoddin, Advocate for the Petitioner.
Mr. S.K. Tambe, A.G.P. for all Respondents.

....

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

DATE : 15th JANUARY, 2021

PER COURT:-

1. The transfer of the petitioner from unaided posts to aided post have been approved by the Education Officer, but the same have been approved as Shikshan Sevak from the date of transfers on aided post.
2. The grievance of the learned counsel for petitioner is that, the services rendered on unaided post are required to be considered by the Education Officer.

3. The learned Government Pleader for respondents/State relies on the circular dated 28.06.2016 to contend that, approval can only be granted as Shikshan Sevak from the date of transfers 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 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 case, the petitioner is transferred on rendering two to three years services on unaided posts. Naturally, she will have to complete three years and while computing the three years as Shikshan Sevak, service rendered on unaided posts will also have to be computed.

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 Education Officer while granting the approval to the petitioner as Shikshan Sevak on the aided posts, shall consider the services rendered by the petitioner on unaided posts. To illustrate, if, the petitioner has rendered services on unaided post for two years and are transferred to aided posts, her services will be approved as Shikshan Sevak for one year from the date of transfer and thereafter as a Assistant Teachers. The Education Officer shall consider the proposal and give approval 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

S.P. Rane