

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

1096 WRIT PETITION NO.1648 OF 2021

**SHIVAJI PUNDLIK NAGARGOJE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner:
Mr. S. D. Bhosle h/f. Mr. V. D. Gunale
AGP for Respondents/State: Mr. S. G. Karlekar

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

DATE: 29th JANUARY, 2021

PER COURT:

1. The petitioner was appointed on unaided post as Assistant Teacher on 25.01.2013. His services on unaided post as Assistant Teacher was approved. The petitioner on or about 15.01.2018 was transferred to the aided post. Under the impugned order, the Education Officer has granted approval to the services of the petitioner on the aided post, however, as *Shikshan Sevak* and not as an Assistant Teacher.

2. Mr. Bhosle, learned Counsel for the petitioner relied on the judgment of Division

Bench of this Court in Writ Petition No. 1493 of 2018 with connected matters, dated 04th July, 2019 to submit that, clause of the Government Resolution dated 28th June, 2016 has been interpreted by this Court and if the Assistant Teacher has worked on unaided post for the period of three years or more, then his/her services are required to be approved as Assistant Teacher on aided post.

3. We have also heard learned A.G.P. for respondent – State.

4. As the petitioner has already worked on the unaided post for the period of three years and more and his services were approved, while granting approval to the transfer of the petitioner from unaided to aided post. The Education Officer was required to grant approval to him as Assistant Teacher and not as *Shikshan Sevak* in the light of the judgment of this Court in Writ Petition No. 1493 of 2018 with other connected writ petitions, dated 04th July, 2019.

5. In view of above, the impugned order of the Education Officer is modified to the extent that the Education Officer shall grant approval to the transfer of the petitioner on aided post as Assistant Teacher.

6. We have passed this order in view of the fact that the Education Officer has approved transfer of the petitioner on aided post meaning thereby he has considered all other aspects of the matter.

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

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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