

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

WRIT PETITION NO. 2285 OF 2021

Chandrakant S/o Uddhavrao Shelke ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

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Mr. I.D. Maniyar h/f Mr. V.S. Panpatte, Advocate for the Petitioner.
Mr. S.R. Yadav Lonikar, A.G.P. for Respondent Nos.1 to 3.

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

DATE : 04th FEBRUARY, 2021

PER COURT:-

1. The petitioner was appointed on unaided post as Assistant Teacher on 15th July, 2016. His services on unaided post as Assistant Teacher was approved. The petitioner on or about 16th July, 2018 was transferred to the aided post. Under the impugned order, the Deputy Director of Education 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. Maniyar, 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 two years and his services were approved, while granting approval to the transfer of the petitioner from unaided to aided post, the Deputy Director of Education was required to grant approval to him as Shikshan Sevak for one year i.e. till completion of three years from his appointment on unaided post 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 Deputy Director of Education is modified to the extent that the Deputy Director of Education shall grant approval to the transfer of the petitioner on aided post as Shikshan Sevak for remainder period of three years from initial date of appointment as Assistant Teacher on unaided post.

6. We have passed this order in view of the fact that the Deputy Director of Education has approved transfer of the petitioners 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)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane