

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

901 WRIT PETITION NO.7751 OF 2020

DHANANJAY HIRACHAND SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

905 WRIT PETITION NO.297 OF 2021
ARCHANA SBHASH PATIL

VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

909 WRIT PETITION NO.936 OF 2021

VIJAY SAHEBRAO GHODESWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

910 WRIT PETITION NO.937 OF 2021

RINA RAVINDRA KHACHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

911 WRIT PETITION NO.938
OF 2021

VRUSHALI BHAGWAN BHOSLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

913 WRIT PETITION NO.940 OF 2021

PRIYANKA RANGNATH SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

914 WRIT PETITION NO.941 OF 2021

SATISH ARVIND SALUNKHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

915 WRIT PETITION NO.942 OF 2021

VISHAL DHANRAJ SHELAR

VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
930 WRIT PETITION NO.957 OF 2021

RATNAKAR SHAMRAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
931 WRIT PETITION NO.958 OF 2021

MONIKA LAXMAN CHAVAN
VERSUS
THE STATE OF MAHARASHTRA THR ITS PRINCIPAL SECRETARY
AND OTHERS
AND
934 WRIT PETITION NO.962 OF 2021

MANGALA SAHEBRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
948 WRIT PETITION NO.984 OF 2021

PANKAJ NAMDEO TUPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
949 WRIT PETITION NO.985 OF 2021

RAVINDRA BHILA PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
950 WRIT PETITION NO.986 OF 2021

VIJAY PRAKASH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
951 WRIT PETITION NO.987 OF 2021

PRASHANT VIKRM SOLANKE
VERSUS
THE STATE OF MAHARASHTRA AND TOERHS
AND
952 WRIT PETITION NO.988 OF 2021

BHUSHAN RAMCHANDRA LINGAYAT

VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
953 WRIT PETITION NO.989 OF 2021

JITENDRA NETAJI PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
954 WRIT PETITION NO.990 OF 2021

SURAJ DILIP MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
955 WRIT PETITION NO.991 OF 2021

SUDHIR FAKIRA PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
956 WRIT PETITION NO.992 OF 2021

DIPAK ASHOK PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
957 WRIT PETITION NO.993 OF 2021

RUPALI SAGAR PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
958 WRIT PETITION NO.994 OF 2021

KIRAN MURLIDHAR PATIL
VERSUS
THE STATE OF MAHARASHTRA THR ITS PRINCIPAL SECRETARY AND
OTHERS
AND
959 WRIT PETITION NO.995 OF 2021

RAHUL SHANTARAM NERKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
960 WRIT PETITION NO.996 OF 2021

MONALI YOGESH VANJARI

VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Ramesh I Wakade
Additional G.P./AGPs for Respondents State: Mr. P. S. Patil, Mr. S. K. Tambe, Mr. A. R. Kale Mr. K. N. Lokhande, Mr. S. R. Yadav-Lonikar, Mrs. V. S. Chaudhari, Mrs. P. V. Diggikar,

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

DATE : 19th January, 2021

ORDER:

1. 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. Wakade and Mr. Gadhe, 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 6 months to 4 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, J.)

(S.V.GANGAPURWALA, J.)

JPC