

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

924 WRIT PETITION NO.11116 OF 2021

HARSHAD ASHOK PANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Petitioners : Mr. S. T. Shelke
AGP for Respondent nos. 1 & 2: Mr. K. N. Lokhande
...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 6th OCTOBER, 2021.

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PER COURT :

1. The petitioner is appointed on unaided post as a teacher in junior college on 16/06/2014. The said appointment is approved. On or before 2nd May, 2016 the petitioner is transferred to the aided post. The transfer of the petitioner on the aided post was approved as an assistant teacher under approval order dated 27th May, 2016. Under the impugned order the petitioner is approved as an assistant teacher with effect from 02/05/2019.

2. The said order is passed basically relying upon circular dated 28/06/2016.

3. We have in our judgment and order dated 4th July, 2019 in Writ Petition No. 1493 of 2018 with connected writ petitions held that same of the clauses of the circular dated 28/06/2016 are erroneous.

4. The earlier approval order dated 26th May, 2016 was also not keeping in tune with the provisions. The petitioner had worked only for a period of two years on the unaided post. As such after being transferred on aided post, the petitioner will have to serve for a period of one year as a Shikshan Sevak and thereafter only would be deemed to have been assistant teacher.

5. In light of the above, the impugned order dated 31st January, 2020 and 27th May, 2016 are modified.

6. The petitioner shall be deemed to be a Shikshan Sevak up to 16/06/2017. On and from 27/06/2017 the petitioner shall be approved as an assistant teacher. The said order shall be passed by the Deputy Director of Education, preferably within three months.

7. We have passed aforesaid order as Deputy Director Education has approved the transfer of the petitioner meaning thereby that the Deputy Director of Education was convinced about the seniority, qualification and the roster.

8. Needless to say the consequential benefits will follow.

9. Writ petition is disposed of. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)

vsm/-