

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

918 WRIT PETITION NO.11108 OF 2021

ARCHANA MANISH KULKARNI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Petitioner : 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.

...

PER COURT :

1. The learned counsel for the petitioner submits that the petitioner was appointed as a teacher in junior college on unaided post. She was transferred to aided post after rendering service of six years. The transfer of the petitioner to the aided post was approved by the Deputy Director of Education under order dated 27th May, 2016. However, under the impugned order dated 21st March, 2018 the Deputy Director, Education modified the said order and granted approval as a Shikshan Sevak up to 01/05/2019 relying on circular dated 28/06/2016.

2. We have heard learned AGP.

3. The chart showing the details of the appointment of the petitioner on unaided post and date of approval, date of transfer is as under :

Date of appointment on unaided post	Date of approval on unaided post	Worked on unaided post	Date of transfer on aided post	Date of approval on aided post	Date of modified approval on aided post
15/06/2011	22/05/2015	6 years	02/05/2016	07/05/2016	21/03/2018

4. The learned AGP 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.

5. 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 4th 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.

6. As the petitioner has rendered service of almost six years, the approval order granted to the transfer of the petitioner on 27th May, 2016 was correct. The same ought not to have been interfered with by the Deputy Director of Education by passing the impugned order.

7. The impugned order as such is quashed and set aside. Writ petitioner is accordingly disposed of.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)

vsm/-